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S001295-001296	91
S001297-001301	93
S001302-001307	98
S001308	104
S001309	105
S001310-001314	106
S001315-001318	111
S001319-001321	115
S001322	118
S001323	119
S001324-001325	120
S001326-001327	122
S001328-001330	124

S001331-001337	127
S001338	134
S001339-001344	135
S001345	141
S001346	
S001347-001403	

```
To:
                   ACP.AIP(pelliot,tfeder,jschmidt)
Date:
                   22 Oct 1996 (Tue) 16:50
Subject:
                   Re: Meetings
>To:Graham Collins <gcollins@aip.org>
>From:jak@interport.net (Jean Kumagai)
>Subject:Re: Meetings
>Hi, Graham
>I'd like to add two items to the staff meeting agenda on Thursday:
>First, I think we should include in the discussion of Ray's departure the
>staff's participation in hiring.
>Second, we should discuss our need for additional staff.
>Also, can we get a summary of the advisory committee's preliminary
>feedback before the meeting?
>Thanks,
>Jean
```

Jean Kumagai <jak@interport.net>

From:

From:

Toni Feder

To:

**GCOLLINS** 

Date:

23 Oct 1996 (Wed) 8:57

Subject:

mta

Hi Graham,

Agenda items for Thursday's meeting:

I think we should discuss staff participation in the hiring process, as well as the need for increasing staff size.

Thanks,

Toni

From:

**Graham Collins** 

To:

TFEDER

Date:

23 Oct 1996 (Wed) 10:13

Subject:

mtg -Reply

You've been talking to Jeff and Jean, haven't you?

OK, I'll add it.

I apologise again about how Carol told you that you were now doing the books screening. If you had been around last week when Ray and I discussed it we would have immediately gone to you to discuss it as a proposal. Instead we reached the conclusion that there really didn't seem to be any other workable option. My intent was to raise it with you as a proposal, with the expectation that we would reach the same conclusion. And I thought I had made it clear to Carol that because I hadn't yet discussed it with you, she shouldn't raise it with you yet.

-- Graham

#### PHYSICS TODAY MEMORANDUM

TO: Ken McNaughton, Managing Editor

FROM: Chris Mohr RE: Day off

RE: Day off
DATE: 17 December 1992

As you recall, on 3 December 1992 I told you of my plans to use three vacation days at Christmas (two of them immediately before Christmas and the other one immediately after).

On 4 December you told me of your preference that I take all three of the vacation days immediately before Christmas. That way I would miss the AIP Holiday Party instead of missing a full day's work, and I would thereby gain half a day of work.

However, I objected to this for two reasons. First, I do not want to miss the AIP Holiday Party, and second, I do not want to mar my family's holiday plans. I do not see the AIP Holiday Party as a waste of working time, and I doubt that AIP management does either, because they schedule it during working hours. As one who has taken on much extra work over the last few weeks, I am very aware that the magazine is far behind schedule. However, I feel that making me miss the AIP Holiday gathering or part of my family's Christmas gathering does not address the cause of the problem, would not help much in the short run, and would not really help remedy the problem in the long run.

Also, I understand that many others will be out after Christmas, but I would not be doing their work, and so their absence does not argue for my presence.

Yesterday, almost two weeks after my note of 3 December, you informed me that you do not want me to take a vacation day immediately after Christmas. I therefore request that I be allowed to use a personal day on that day, 28 December.

. .



#### INTER-OFFICE MEMORANDUM

To: Kenneth Ford, Executive Director and CEO,

American Institute of Physics

From: Chris Mohr, Assistant Editor, Physics Today

Subject: 'Stay bonus'

Date: 16 September 1993

Copies to: Physics Today staff



Physics Today managing editor Ken McNaughton has informed me that in my case the American Institute of Physics will renege on the bonus it promised to employees who stayed with AIP until around the time of the move from New York to Maryland. I am writing to appeal this decision.

I am leaving AIP a week before I begin an unpaid internship with an international anti-poverty organization on 27 September. Because the internship involves working with three other interns, I cannot possibly delay my start date. And for obvious reasons, I need the bonus money, which in my case is about a month's salary.

As you can see from the attached memos, I believe I have a strong case. I recognized that my presence at Physics Today would be particularly important in the last few months before the move, so I purposely sought a job that would not begin before about 1 October. I even passed up other opportunities. While I will leave a couple of weeks before the long-stated move date of 15 October, AIP did not inform me of the <u>actual</u> move date until 1 September, when MaryLou Ogren of Personnel delivered your memo dated 25 August to me. This late timing made planning very difficult for me.

AIP has planned for three years to include a stay bonus as part of the relocation package, and it budgeted funds accordingly. On 29 March 1993 AIP's director of human resources, Theresa Braun, met with the staff of Physics Today to talk about the move, and she said at that time that AIP would be flexible regarding the date until which people must stay to receive the bonus. In your memo of 25 August you said that a waiver 'based on special circumstances' would be possible for employees moving on to other jobs.

I've been a good employee at AIP. In my last performance review, just one month ago, my supervisor wrote: 'Chris continues to do a fine job editing and writing for Physics Today. He is diligent, willing, cooperative and is a good team player.'

In light of the above, and considering that I gave notice six months before the move -- in mid-April, as required by AIP -- I believe that I have fulfilled the spirit of the requirements for the stay bonus. I thus request you grant me the stay bonus.

I am quite upset at my treatment, as are coworkers with whom I have discussed this. They join me in hoping that AIP will show me the same loyalty I've shown AIP. I hope you will rectify the situation.

13 October 1993

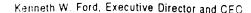
TO: GBL, BGL, KM

FROM: MM - MADHUIREE MUKERJEE

RE: Resignation

I regret to inform you that I am resigning from Physics Today magazine. My last day of work will be the 27th of October, two weeks from today.

I have enjoyed working here. My leaving is partly an accident. When I was concerned about my father's health and was given permission to visit home, I was very touched and happy to be working in a caring place. When the trip was suddenly and capriciously canceled I was very upset and sent out a job application the next day. Much to my surprise I was offered the job yesterday and took it. It will enable me to stay in New York, which I have grown to like, and also allow me to write more.





500 Sunnyside Boulevard Woodbury, NY 11797-2999

Tel. 516-576-2211 Fax 516-349-1954

Talex 960983 aminsiphys-nyk

E-mail: kwf@pinet.aip.org



February 16, 1993

To:

Gloria Lubkin

From:

Kenneth W. Ford

Subject:

Roundtable

This confirms the remarks I made to you over the phone. I found the Roundtable in the February issue to be quite disappointing. Here we have a group of outstanding people. What they have to say ought to be interesting. But it isn't. They ramble on, throw in a few anecdotes and a few wry comments [laughter], but get nowhere in particular. It is easy to understand why the report has no organization or structure; it is essentially a bull session. This isn't the editors' fault; it is the nature of the format. But it does raise question about the value of the whole roundtable concept. I find that the only way to get any meat from this report is to read it word for word from one end to the other. That is hard work. Who will persevere? And, having persevered, who will think it was worth the effort?

Maybe I represent an extreme position, but I assess the value of this Roundtable to the average Physics Today reader to be about nil. I believe that a short opinion piece written by any one of these people would have been more interesting and more valuable than their combined output in this format.

#### KWF/daf

cc: Irwin Goodwin Beverly Porter John Rigden

S 001208

#### Member Societies:

The American Physical Society
Oction Society of America
Acoust dai Society of America
The Society of Rhebits,
American Association of
Physics Teachers
American Crystallograchic
Association
American Astronomical Society
American Association of
Physicists in Medicine
American Vaccium (2), 19ty
American Geophysical Union



# INSIDE

an authorized newsletter for the staff of the American Institute of Physics

MAY 1996 VOL. XXXIV, NO. 4

## A MESSAGE FROM THE EXECUTIVE DIRECTOR

AIP is moving into the electronic future now. For many years we have been preparing for the day when all our journals would go online, available to all readers at the click of a mouse. (We started so long ago, it was actually at the tap of a keyboard.) Over the past few years we have converted our composition processes so that we now capture all text, tables, equations and figures in digital forms suitable for a variety of pre-press and electronic formats. We have experimented with new electronic online delivery mechanisms from PINET databases to an online version of Applied Physics Letters. Last year we formulated an Electronic Publishing Strategy that called for continued digital capture of all our composed pages. It also called for continued experimentation with new delivery venues until some of the major uncertainties about the new technologies and their market acceptance were resolved.

It is apparent, even though a host of uncertainties still remain unresolved, that AIP and the physics community has become enveloped by new enabling technologies and associated expectations by authors and readers. Therefore we must now move forward more aggressively.

AIP management has set a target that we will present to our Executive Committee on June 14. Upon their approval, we will immediately begin installing more and more journals online. Some will be journals of our Member Societies, some will be our own. By this time next year, all AIP journals and any journals desired by Member Societies will be online. To do this will require enormous effort from all of us—from those who connect to the authors and readers to see what is really needed, to those who develop the technology, to those who produce the products, to those who will help hire the new employees to add to our ability to deliver on time, and to the rest of us who support AIP services.

AIP's Information Technology staff will be scheduling demonstrations of our online journal products during the months of June and July. They hope to hold numerous sessions so that all who will be involved (and that is almost everyone in one way or another) and all who are interested can take a look at our first online journal efforts.

I know you all will help AIP as we step up to the challenge of making the electronic future happen this year.

Marc H Brodsky

#### **Maryland Governor Visits ACP**



Governor Parris Glendening (L) addresses a group from ACP resident organizations, future ACP "neighbors" who will move into the new FDA building off River Road and Physics Ellipse, Senators, Member of Congress and the Cabinet, and others. Among those visible (seated) are (L-R) College Park, MD Mayor Joe Paige, AAPT Executive Officer Bernard V. Khoury, APS Executive Officer Judy Franz, and AIP Director of Human Resources Theresa C. Braun. Story and more photos on page 3.

S 001209

#### Kids Come to Work at AIP and ACP



Kids visiting ACP (photo right) looked out from the roof as part of their general tour of the building and grounds. Volunteers accompanied them as they were broken up into three color groups: yellow, blue, and green. Story and many more photos on Kids' days in Maryland and New York are on pages 4, 5, and 6.

At the Woodbury Publishing Center, Andrea Verity (photo far left) and her son, Andrew, pose at her terminal. Andrew was raffle prize winner for children of evening shift employees. At left is Megan Young, one of the 45+ visitors to the Publishing Center during the daytime program.



#### MP **Welcomes**

**NEW YORK:** 

INTERNET PUBLISHING Carolyn Barry

PRODUCT DEVELOPMENT Adam Cohen

PUBLISHING SYSTEMS Christopher McMahon

MARKETING Christine Orr

#### **★ Promotions**

Rich Kobel (NY/MD) Director, Adv. & Exhibits Wendy Marriott (NY) Manager, Bus. Systems & Operations Bruce Nogan (NY) Dup. Op./Technician Cynthia Sussman (NY) **Xyvision Compositor** Jennifer Van Cura (NY) Sr. Production Editor

#### \* Pats on the Back Bonnie Feldman (MD)

Career Services "Bonnie did outstanding work to accommodate the Manpower operation at the 1996 APS March Meeting in St. Louis, MO. She was very proficient and professional with managing the entire set-up for interviews between Manpower counselors and physics job seekers."

#### Next Issue

- PROFILE: Wendy Marriott
- The Picnics
- Health & Nutrition
- Summer Outings .. and more!



#### Marsh White: The New Centurian

Marsh White is living proof that physics is good for the soul. The man who helped form the Society of Physics

Students (SPS) celebrated his 100th birthday on April 22, and after living through such historic events as the first modern Olympic games (also marking a centennial this year) and the Wright Brothers' first flight, he has every intention of sticking around for the arrival of the 21st cen-

In his first hundred years, White has left his mark in a big way in the field of physics education. He was the first person to ever receive a Ph.D. from Pennsylvania State University and



Marsh White

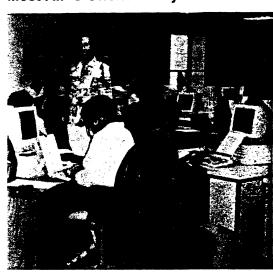
was a driving force in the formation of the school's Delta Chi fraternity and its Sigma Pi Sigma honor society. He served

as Executive Secretary of EAE for almost 40 years, longer than anyone else. In the late 1960s, he led discussions that brought about the establishment of the SPS. White also received many awards including the Presidential Certificate of Merit in 1948 from Harry S. Truman and the American Association of Physics Teachers citation for outstanding service in 1952.

> Happy Birthday, Marsh White. and many more.

--D.B.

#### Meet AIP's Offshore Keyboarders



On a recent information gathering trip to the Offshore Keyboarding facility in Barbados, Composition Services Branch Manager Cheryl Taub brought along her camera and now shares this photo with us. Standing is Nan Howard, Supervisor of 26 keyboarders on day and evening shifts, who are dedicated solely to AIP work. Woodbury Publishing Center employees who work with this offshore group include Data Preparation Supervisor Susan Jov, who provides keyboarding training and support, and Honey West, also from Data Preparation, who distributes their work and verifies file return and

#### Clip & Save — —

These Woodbury/Jericho Publishing Center employees completed a CPR course in mid-March; call them if you have an emergency.

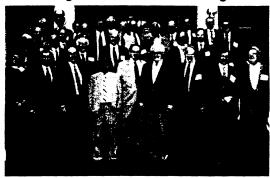
Employee	Dept./Floor	Ext. #
Phil Arena	Facility Services-Nights	2217
Jackie Beggins	Data Preparation	2331
Greg Domke	Journal Production I	2427
Carolyn Gehlbach	Edit. Operations (Jericho)	2404
Lori Kenny	Data Preparation - Nights	2331
Donna King	Circulation & Fulfillment	2278
Wendy Cona	VP, Publishing Office	2253
Karen Quinn	Bus. Systems & Operations	2308
Robyn Van Pelt	Data Preparation	2346
L		

#### ANNIVERSARIES

#### (5 years or over as of May 1996)

Employee;	Department	Years
Betty Aroesty	Advertising	13
Elizabeth Belmont	Journal Production I	15
Mynn Benincasa	Treasurer's Office	37
John Bifano	Facility Services	11
Janet Calvacca	Data Preparation	14
Ted DiDomenico	Graphics Production	11
Thomas Hachtel	Business Sys & Operation	ons 15
Joy Jones	Journal Production I	11
Moon Kim	Facility Services	6
Ruth Kolb	Circulation & Fulfillmen	nt 7
Janet Kopitsch	Circulation & Fulfillmer	nt 18
Cesar Lara	Facility Services	8
Alicia Masterson	Secretary's Office	6
Deborah McHone	Journal Production I	15
Ellen Petix	Editorial Operations	18
Michele Prinzo	Circulation & Fulfillmer	nt 10
Carol Staack	Journal Production I	11
Honey West	Data Preparation	15
Linda Ziella	Journal Production I	18

#### Introducing AIP's 1996-'97 Governing Board



Following its March meeting at the American Center for Physics, AIP's Governing Board met for its annual group photo, taken by Malcolm Tarlton on the back steps of the building. Group includes (Bottom Row L-R) Charlotte Lowe-Ma, Duncan Moore, Ben Snavely, S. Narasinga Rao, Harry Lustig, Roland Schmitt, Board Chair, Norman Ness, Robert Hilborn, Ronald Edge; (Second Row -R) Marcia Neugebauer, C. Robert O'Dell, Thomas Ahrens, Robert Milkey, Arlo Landolt, Alan Powell, Judy Franz, Gregory McKenna, John Weaver; (Top Row L-R) Christopher Harrison, Marc Brodsky, Fred Spilhaus, Jr., Robert Apfel, Charles Schmid, Rod Grant, Andrew Sessler, Christopher Marshall, C. Kumer Patel, G. Brent Dalrymple, Bernard Khoury, James Smathers, and J. William

# ONSICS LOCAY 335 East 45 Street / New York, N.Y. 10017 / 212 661 9404

Harold L. Davis / Editor

3 March 1981

Dr. Jeffrey Schmidt Department of Physics University of California Irvine, California 92717

Dear Dr Schniar!

HLD:sm

Enc.

To help you get started apartment hunting we are enclosing recent listings from the New York Times and the Village Voice. Also we have confirmed that one can obtain a room for temporary living at the YMCA--either the Sloan House (located at 356 W. 34th St., 9th Ave. 212-760-5850, information; 212-760-5860, reservations) or the Vanderbilt Y (at 224 E. 47th St., bet. 2nd & 3rd Ave. 212-755-2410).

The rates are \$15 a day for a single room, \$20 for a double room. There is also a \$5 key deposit, and identification required at both. Reservations can be made 2 weeks in advance, although both YMCA's do not feel it absolutely necessary. (Rooms normally can be obtained upon arrival in New York). Weekly and monthly rates are not accepted; payment must be made for rooms on a daily basis.

Let us know if there is anything we could do for you in the meantime.

Look forward to seeing you on the 17th.

Sincerely,

Harold L. Davis

Editor



#### A I P Inter-Office Memorandum

28 March 1986

To:

All Employees

From:

H. William Koch

Herreliam Koch

Subject: Employee Benefits

During the course of your employment with us, you have become aware of the many employee benefit programs provided by the Institute.

For each of the past several years, we drew up a schedule setting forth the costs of certain benefits paid by the Institute for each employee. Copies were distributed to all employees and were enthusiastically received.

In the belief that you are again interested in knowing the dollar value of the benefits paid in your behalf by the Institute, I am attaching a new schedule effective 1 January 1986.

If you have any questions about this schedule, please address them to Mrs. Theresa Braun, Manager of the Personnel Division, or Mr. Gerald F. Gilbert, Chairman of the Personnel Committee.

HWK:ds Attachments

EMPLOYEE BENEFITS PERCENTAGE RELATIONSHIP TO SALARIES\*

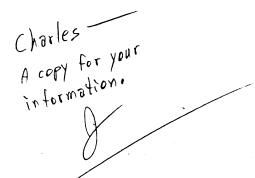
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	ANNUAL SALARY	FICA	Dental Plan	Group Life Insurance	Hospitalization (BC/BS)	Major Medical	Prescription Drug Plan	Retirement	Vision Care Plan	NY State Disability	Long-Term Disability**	Total	PERCENTAGE	On Retirement Plan	Not on Retire- ment Plan	* Fmoloves

\* Employee Benefits Excluded: Paid Vacation, Paid Holidays, Tuition Reimbursement, Travel Insurance. \*\* On Retirement - \$103.80 per year; Not on Retirement - \$75.60 per year.

#### Steve -

Here is a status report on various articles. I am trying to keep up the number of articles that I edit, and it would help if I had an article that is ready to edit but not scheduled for any particular issue. That way when I am in a situation like the present one (waiting for authors and reviewers), I can work on an article in "background." But do we have such an article, one that doesn't need to be published right away?

Steve -



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[ PEPT, ATTACHED]

cated data after North Dakota water officials questioned the validity of much of his work there. No sanctions have been imposed, the geological survey explains, because the scientist resigned after being confronted with the results of an internal in-

· On July 14, the journal Science announced it had been told by NIH investigating misconduct in 1981.

· Also in July, the Department of Health and Human Services acknowledged it is investigating charges that an NIH scientist reviewed federal contracts awarded to a biotech company that his wife had helped start. Co-workers professed amazement that their colleague could have permitted such a conflict own firm's generic equivalent to speed up FDA approval of the product. Rep. John Dingell (D-Mich.) declared that "the country can no longer be reasonably confident that the FDA is able to protect the public against unsafe products.'

A fifth case now being investigated by NIH is in some ways the most serious indictment of an institution's ability to oversee the conduct of its employees. It also provides a glimpse into the unhappiness that many scientists feel about having to live under a new set of rules crafted to preserve the golden reputation of the research enterprise.

At issue in this latest incident are NIH rules restricting the amount of money federal employees can earn from such outside activities as consulting, lecturing, and testifying as expert witnesses. The limits on what NIH calls "outside work" are seen as a compromise between those who feel that any outside payments are a threat to the integrity of science and those who argue that scientists should be entitled to profit freely from their knowledge. Cynics say the limits put a price tag on intellectual honesty, while advocates of greater financial freedom say that money would never influence their scientific judgment.

The current case involves three scientists from the National Cancer Institute (NCI) who appeared as exhalf of the state, maintained there are no significant health from such power lines. Accord Power Authority records, Aaronson of NCI was paid \$7 for his testimony, while hi

NIH's Hyatt: "It's all done on the honor system. We only know what they tell us."

leagues Lucius Sinks re-\$41,083 and Margaret Tuci least \$12,978. These scientist also testified on the subject as witnesses at other trials.

The chief question that I investigating is whether the tists violated the agency's ru accepting payment that exceed \$12,500 annual limit from one pany, and \$25,000 limit fro sources, for outside work. A question is whether their test violates NIH rules that prohil pearances in cases in which "tl ject of the litigation is controversial, and is not lik become controversial in the fi

The testimony was preser June 1988. But NIH didn't le the potential violation until D

## Scientific Publisher Sues Over Journal Pricing Study

Gordon & Breach files papers in Switzerland citing 'erroneous, misleading' findings in Physics Today article

#### By KEN KALFUS

Charging "unfair comparative advertising," the scientific publishing firm of Gordon & Breach is suing the American Institute of Physics over an article and a letter about the costs of professional journals that were published in the organization's monthly magazine, Physics Today.

The case raises numerous questions-in part because the New York-based publishing firm has so far chosen to press the case not in the United States, where Physics Today is published, but in West Germany and Switzerland. Partisans for Physics Today charge that the lawsuits could inhibit scientific research, especially research about the explosive rise of journal prices (The Scientist, July 24, 1989, page 1); Gordon & Breach replies that the article is an example of biased research performed by a scientist with a stake in the study's result. The lawsuits, which seek injunctions, retractions, and damages, also raise questions about methods of comparing the costs of professional journals. Their hearing dates have not yet been set.

The author of the article, "Cost-Effectiveness of Physics Journals" (July 1988, pages 56-9), is Henry H. Barschall, a retired professor of physics at the University of Wisconsin, Madison. The article was a summary of a more detailed survey published the same month in Bulletin of the American Physical Society (pages 1437-47), coauthored by Barschall and a colleague in the Wisconsin physics department, John Arrington. The study ranked a number of professional publications by

two factors: cost in cents per 1,000 characters of type; and impact-the average number of citations per article in the two years following publi-

#### **Dramatic Results**

The results reported by Barschall and Arrington were dramatic. For example, in the area of condensed matter physics the cost-to-impact ratio ranged from 0.22 for Physical Review B to 45.0 for Gordon & Breach's Physics and Chemistry of Liquids.

Gordon & Breach is crying foul, noting that Physical Review B is published by the American Physical

(Continued on Page 26)

#### PRIVATE INSTITUTE BRIEFS

#### Federal Aid For The Mouse Mart?

Jackson Lab in Bar Harbor, Maine, has cleared its first hurdle in getting federal funds to rebuild after its devastating May 10 fire (The Scientist, June 26, 1989, page 5). In late July the Senate Labor and Human Resources Committee approved a bill that would authorize \$25 million to construct a new facility for the production of inbred and mutant mice to be used in biological research. Although the legislation calls for competitive bidding, the presumed beneficiary of the bill would be Jackson, whose officials worked closely with the Maine congressional legislation and the bill's sponsors, Senators Edward Kennedy (D.-Mass.) and Orrin Hatch (R.-Utah). The legislation must still be approved by the House and the full Senate.

Meanwhile, Jackson has been trying to overcome its shortage of breeding space by using trailers and other

**JACKSON: Shipping 40%** 

temporary facilities. It resumed shipping mice only a month after the fire, but only at a fraction of the prefire rate. According to Ken Trevett, the house counsel and assistant to lab director Ken Paigen, the lab shipped nearly 60,000 mice in July, about 40% of the normal monthly quantity. Using the trailers, Jackson hopes to reach 80% of the prefire production by spring, but the temporary facilities are only "a short-term fix,"

long-term shortage of mic legislative process-not a constraints—the new faci vears.

according to Trevett. "It's

#### Disabled Virus M

A field test that could help environmentally safe biok summer in a cabbage pat directed by H. Alan Wood Ithaca, N.Y., will measure conditions of Autographa polyhedrosis virus (AcMN baculoviruses known to k the corn borer. This strain occurring viruses, has becannot survive long in the test site. BTI researchers gene responsible for the v mutation," says Wood, "w eliminated immediately." protection, BTI researche virus. According to Wood, disabled virus occur natur environment. If the field to deleting genes could be r

### Publisher Sues AIP, Physicist Over Journal Price Study

(Continued from Page 4)

Society, one of AIP's member societies. According to the publishing firm's Zurich lawyer, Alfred Gilgan, the article thus represents a form of comparative advertising, and because of its allegedly unfair methodology is subject to sanctions under Swiss law. In general, journals published by the professional societies rank at the top of Barschall's tables, while the commercial publications lie at the bottom.

A similar lawsuit has been filed in West Germany. Gilgan says these countries were chosen because of the large market they represented for the publishing firm and the wording of their unfair competition laws. "Gordon & Breach," Gilgan says, "just checked to see where we could do anything against this damaging publication."

Gilgan's claim that the case comes under Swiss jurisdiction is based on the assertion that both Physics Today and many Gordon & Breach publications are sold there, competing with each other not only for readers, but for contributors. The publishing firm's suit in Zurich canton's commercial court against AIP and APS seeks a declaratory

#### Researcher To Appeal Firing Over Implant

(Continued from Page 7)

What apparently caused the health and welfare department to clamp down on Blais were reports earlier this year in the Montreal Gazette that quoted his confidential memos. Says Blais, "It was a time when much of this information [about the implant] was already surfacing in different ways, and because the department is very small and there's only a few plastic specialists, everyone inferred that [the person responsible for the leaks) was me. I'd published before on this subject for the scientific literature. I'd given ctures and so on."

Blais says that the government is wrong in its assumption. "The department leaks like a sieve," he says. And he says that he wouldn't be surprised if the leaks continued.

In the meantime, Blais is still reeling from the shock of being fired. "It's one of the most distressing epistodes in my career," he says. "It's not just that I have been dismissed. I fought within the department to have the product at least sidetracked until we knew more about it, but they refused to withdraw it."

He says that many scientists have called him and the union to express their support for his appeal. "They feel," he says, "that the whole integrity of the scientific arm of the public service is at stake."

David Spurgeon is a freelance science writer based in Ottawa.

judgment that the article constituted unfair competition, an injunction against further publication of the study's results, publication of a retraction, and an unspecified amount in damages (which Gilgan says will be determined during the discovery process). A lawsuit against Barschall in Zurich district court seeks the same redress, except for the retraction.

After the *Physics Today* article appeared, AIP offered to provide Gordon & Breach with space in its letters column to reply to the article.

Meserve: "It's odd that one American publisher would sue another American publisher in a foreign court."

The publishing firm, however, objected to *Physics Today*'s intention to allow Barschall to respond to Gordon & Breach's charges. Gilgan says such an exchange would have portrayed *Physics Today* as an "amicable arbiter between two independent parties. That is just not true. Professor Barschall, as we see it, was just used as the speaker for AIP." Gilgan calls Barschall "camouflage" to disguise AIP's "interest as competitor of Gordon & Breach." Gordon & Breach's lawsuit also cites a March 1989 letter by Barschall in *Physics Today* (page 15) that defended his methodology.

At the time of the article's publication. Barschall was a member of AIP's Publishing Policy Committee, a fact disclosed in the biographical note at the bottom of the article's first page, Richard Meserve, a Washington lawyer who is representing AIP, APS, and Barschall against the Gordon & Breach legal action, denies any sort of collusion between AIP and the physicist. The study was Barschall's own idea, he says, and was "done out of his own concern about journal prices." He adds that Barschall's participation in AIP and APS was typical of most physicists, he held no paid position in the societies, and he had "no financial stake in the success or failure of their jour-

Barschall, 74, himself says "the idea that I have a financial interest in the American Physical Society or their journals is pretty far-fetched." He has long served in a variety of organizational and editorial positions, he says, but only as a member of the profession. The retired experimental nuclear physicist adds that he continues to pay membership dues and subscription fees.

Barschall's methodology comes under intense criticism from Gilgan, who calls the work "erroneous and misleading." He says that in the Bulletin study on which the Physics Today summary is based, Barschall used only 11 of Gordon & Breach's 24 publications, an unrepresentative



BARSCHALL: Rated journals by their cost and impact.

sample, and that in the Physics Today article, the two Gordon & Breach journals cited were the most expensive and third-most expensive of the firm's titles. He adds that six of the 11 journals cited are nonresearch journals, and one of them, Fundamentals in Cosmic Physics, is a handbook. Meserve responds that Barschall simply used the titles available in his University of Wisconsin library and never presented his survey as all-encompassing.

Gilgan calls the cost-per-thousand index "a totally unsecured quantity" that does not take into account graphs and charts, which the firm says cost 'twice the amount to publish than the same page area that contains text. Impact, Gilgan says, is directly related to circulation, not value, and hence is "a very, very dangerous measurement and very misleading." Gordon & Breach titles, he says, are more specialized than the society journals, and thus more valuable to the specialist. "If a specialist buys an AIP journal, he'll get cheaper characters," Gilgan says, "but he gets cheaper characters he's not interested in."

Gordon & Breach's other complaints—which were detailed in an approximately 90-page letter to AIP—cite the impossibility of comparing journals with different policies on page costs, translation expenses, airmail costs, and reprint charges. The firm also challenges the figures Barschall uses as Gordon & Breach's subscription prices and says that AIP's status as a membersupported nonprofit organization further skews comparison.

Meserve declares that Gordon & Breach misses the point of the article, which meant to compare only prices, and not value. He says *Physics Today* has a very sophisticated audience that understands the distinction. Gordon & Breach's

charges, he says, "are completely and adequately answered" by the Bulletin article, which explains its methodology, "a standard technique to evaluate journal costs." He adds, "it seems odd that one American publisher would sue another American publisher in a foreign court over an article in an American publication."

Meanwhile, participants in the journal debate are worried about the suit's implications. Chuck Hamaker, director of the Louisiana State University library, says, "I consider this approach could have a chilling effect on the way scholars and librarians discuss the issue of the high price of journals." Another librarian adds that this kind of lawsuit could inhibit further research on the subject.

But Gilgan says that Gordon & Breach does not intend to inhibit research. The Zurich lawyer says, "Our argument is that research is wonderful, but please don't make research with wrong figures, and please explain how the research was done. We feel that this was not duly done. Everything that they could do wrong they did wrong.

For his part, Barschall remains concerned but confident that he will prevail in the lawsuit. He says, "It certainly makes my retirement more interesting."

#### Japanese Biotechnology Advances Challenge Dominance By U.S. Firms

(Continued from Page 12)

search programs focus on genesplicing, bioreactors, and bioelectronics.

"There's no question that Japan has set itself the task of becoming number one in biotechnology," says Richard D. Godown, president of the Industrial Biotechnology Association, a Washington-based trade group. He recommends that the U.S. government work to harmonize international biotechnology regulations, set up more tax credits for R&D, and gradually lessen regulation of these new products. "If the people in government give proper recognition to the significance of biotechnology and give proper credit to the difficulties we are now facing and take the proper steps, then the Japanese won't be a problem."

Others are less optimistic. Fifteen years ago, Japan produced no new drugs; 10 years later, 16 of 78 drugs with new chemical structures came out of Japan. Even the experts from the U.S. government's Japanese Technology Evaluation (JTECH) who looked at Japan's capabilities in biochemical process technology, protein engineering, and recombinant DNA technology are astonished at its recent prowess. "They have proceeded a lot further in some areas, one of them being protein engineering, than we thought," says Robert D. Shelton, JTECH program

lirector.

Most observers feel that it will take more than a supportive government to ensure a place for American cuisine at the next decade's biotechnology banquet; which is expected to feature new and improved proteins that function better than nature's own. Protein engineering



involves making small but precise changes in the protein's makeup and shape. The process relies on complex calculations to predict structural changes.

Japan has already shown its commitment to this new field. In 1986 the government linked a dozen pharmaceutical, food processing, and computer hardware companies in a Protein Engineering Institute, using a coordinated approach that compensates for any shortfalls in basic research capabilities. Last year it put these efforts under one roof. Three months later, its scientists were already presenting results at international meetings.

In contrast, the U.S. efforts in protein engineering are a patchwork of individual corporate policies. Chemical and pharmaceutical industry leaders each have programs in protein engineering. "But if they got together and made one huge facility, they would advance much more rapsays Dale L. Oxender, director of the Center for Molecular Genetics at the University of Michigan and chairman of the 1984 JTECH study on biotechnology that underestimated Japan's potential in the field. He believes that protein engineering in the U.S. requires a joint effort, because it is so much more capital intensive than recombinant DNA technology, but he has already failed once in bringing about such a consortium (The Scientist, May 2, 1988, page 1). Oxender still believes that a consortium could be formed, but by then, Japan's biotechnology products may already be on the table.

It's going to take much more than creativity and entrepreneurial spirit if the U.S. is to dish out more and better biotechnology than the Japanese, says Dibner. Japan's strengths—applied research, fast-track patenting, expertise in bioprocess engineering, and companies with deep pockets and vision—may make them better able to endure the international competition over the long haul. Adds Yoshikawa: "Many American companies are going to have a very difficult time."



#### INTER-OFFICE MEMORANDUM

TO: PT staff

FROM: Paul Hersch

DATE:13 May 1991

RE: My leaving Physics Today

Gloria and I have concluded that she and I cannot work in concert. She therefore has asked that I seek other employment.

I will continue as managing editor of <u>Physics Today</u> for several more weeks. I look forward to the fullest cooperation of the staff during this coming period in getting the June and future issues of the magazine published according to their schedules. For my part, I will continue handling those matters that the staff expects of me.

I want to thank the staff for making my experience as managing editor at Physics Today rewarding and interesting.

#### PHYSICS TODAY MEMO

TO:

Staff

FROM: RE:

Gloria/Ken New Staff

DATE:

20 December 1993

We have two new staff members starting Mon. 20 December.

STEPHEN BENKA is joining us as an Associate Editor. He has a BS in physics and a BS in mathematics from Metropolitan State College in Denver, and a PhD in Physics from the University of North Carolina, Chapel Hill. His most recent position was at the Naval Research Laboratory in Washington, D.C., where he was actively engaged in solar physics research.

MONICA OLIVER will be joining us as a Clerk/Typist. Monica will help with mail, telephones, faxing, filing, copying and may also be involved with the manuscript tracking database.

We will continue to employ the services of two temporary clerk/typists until the work load settles down.

#### PHYSICS TODAY MEMO

TO:

Staff

FROM: RE:

Gloria/Ken New Staff

KE:

New Stall

DATE: 29 December 1993

We have two new staff members starting Tue. 4 January.

DENIS CIOFFI is a new Associate Editor. He has a BS in physics and astronomy from the State University of New York, Albany, an MA in astronomy from the University of Virginia, Charlottesville, and a PhD in astrophysics from the University of Colorado, Boulder (1985). Denis has worked at Goddard Space Flight Center, the National Science Foundation and at NASA headquarters.

RAY LADBURY is a new Associate Editor. He has a BS in physics from Colorado State University, Fort Collins, and a PhD in experimental physics from the University of Colorado, Boulder (1988). Ray has been in the Peace Corps in West Africa and most recently has taught physics at Pikeville College in Kentucky.



#### INTEROFFICE MEMORANDUM

September 29, 1994

TO:

All Physics Today Staff

FROM:

John S. Rigden

SUBJECT:

Editorial Staff Changes at Physics Today

Reflecting *Physics Today's* strategic need to identify emerging trends, as the role of physics and physicists is being rapidly redefined in the world community, the following changes in the magazine's editorial structure are being announced:

- Gloria Lubkin, who has been the magazine's Editor since 1985 and a member of the editorial staff since 1963, will become its new Editorial Director.
- Stephen Benka, an Associate Editor at PT, has been appointed as its new Editor.

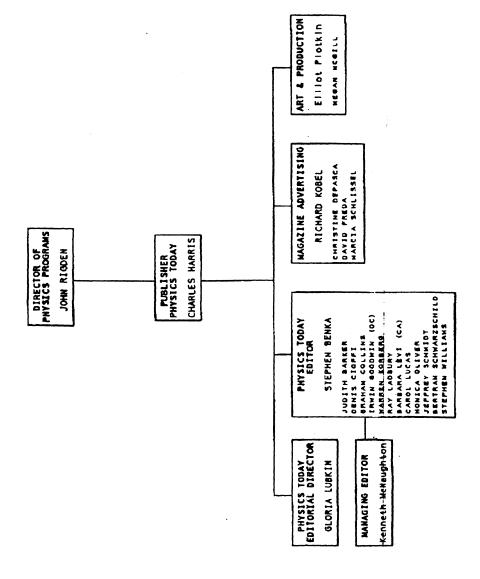
The operations of the magazine will be managed by the Editor, with expanded responsibilities shared by the entire staff.

The Editorial Director will draw on her years of experience, perspective and extensive contacts to identify emerging trends in physics worldwide--what is important in physics and what is important to physicists. She will continue to be involved in seeking out articles and in reporting, editing and writing.

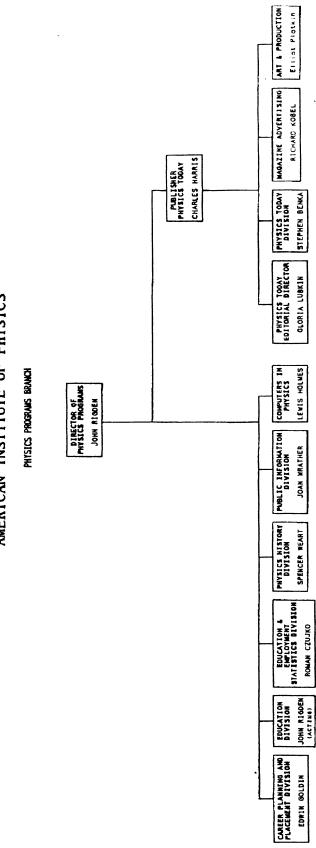
Also Elliot Plotkin, previously reporting to John Rigden, will now report to Charles Harris.

# AMERICAN INSTITUTE OF PHYSICS

# PHYSICS PROGRAMS BRANCH



AMERICAN INSTITUTE OF PHYSICS





#### INTER-OFFICE MEMORANDUM

TO:

AIP

FROM:

James H. Stith

EXTENSION: 3126

DATE:

November 16, 1999

SUBJECT:

New Publisher

I am pleased to announce that Randy Nanna joined AIP as Publisher for *Physics Today* and *The Industrial Physicist* on Monday, November 15, 1999. Formerly with Physicians World Communications Group, Randy has an extensive background in publishing, advertising, and sales. I look forward to the magazines' continued growth and prominence under Randy's leadership.

Effective immediately, all information regarding *Physics Today* and *The Industrial Physicist* should be forwarded to Randy.

Please join me in extending a warm AIP welcome to Randy.



#### A I P Inter-Office Memorandum

To:

All AIP Staff

Date: 10 March 1982

From:

H. William Koch HWK

Subject: Update on National Labor Relations Board Election

- 1. In my letter of 20 January 1982, I stated that the Union filed unfair labor practice charges with the Labor Board, including an allegation that the Institute should be ordered to bargain with the Union because the Union had cards from a majority of the voting unit. On 26 February 1982, the Board dismissed the allegation because it found that the Union did not have cards from a majority. The Labor Board is continuing its investigation of the other charges.
- 2. On 26 February 1982, the Labor Board issued a report on its investigation of the challenges and objections made by the Union to the 10 December 1981 vote. The following is a summary of that report:
  - a. One person was challenged by the Union as a confidential employee and one person was challenged by the Labor Board because her name did not appear on the voting list. The Labor Board overruled both of these challenges.
  - b. Of the 24 persons challenged by the Union as supervisors, one challenge was overruled. The Labor Board has directed that a hearing be held concerning the remaining 23 challenges.
  - c. The Labor Board overruled the two objections made by the Union regarding surveillance of supervisors and harassment by the employer and has directed that a hearing be held to resolve the remaining objections.
- 3. We have had a negotiation meeting with Local 406 concerning the six employees who voted in the professional unit and another meeting is scheduled for today.

We will continue to keep you informed of further developments.



#### AMERICAN INSTITUTE OF PHYSICS

·335 EAST 45 STREET, NEW YORK, NEW YORK, 10017 • (212) 661-9404

H. WILLIAM KOCH
Director
LEWIS SLACK
Interim Secretary
GERALD F. GILBERT
Treasurer

29 March 1982

To:

AIP Staff

From:

H. William Koch HWK

Subject:

Update of NLRB Election

In my memo of 10 March 1982, I stated that the Labor Board was investigating the union's unfair labor practice charges, had overruled some of the union objections and challenges and directed a hearing to resolve those remaining objections and challenges.

Today we received notice that the hearing on the challenges, objections and unfair labor practices would be held on 5 April at 16 Court Street in Brooklyn. Our attorneys are requesting that the hearing be transferred to the Labor Board offices at 1501 Broadway in Manhattan, in order to make attendance more convenient.

Some of you may be subpoened to testify on behalf of the union. The subpoena could come from the union or from the Labor Board. Under the law you are entitled to be paid the statutory witness fee of \$30.00 per day. You will not be paid during the time you are not working. As soon as you receive a subpoena, please notify your supervisor so he or she can make appropriate arrangements to cover your work.

HWK:mt

19 MARCH 92 — STAFF WEARS JEANS & T-SHIRTS AS A
DEMONSTRATION AGAINST NEW MANAGEMS EXETOR'S
TENDENCY TOWARD DRESS STANDARDS.

25 MARCH 92 — BERT SLAMS FOOT INTO WHITEBOARD"

TWICE AFTER GLOPIA ANGERS HIM.

I OVERHEARD BERT TELL GLARIA THAT HE

LOST A FEW HOURS OF SLEEP OVER THE

ISSUE THE PREVIOUS NIGHT (NIGHT OF 24

MAR92); GLORIA RESPONDED, "I DON'T

GIVE A DAMN!"



# INSIDE

an authorized newsletter for the staff of the American Institute of Physics

MAY/JUNE 1998 VOL. XXXVI, NO. 4

# A MESSAGE FROM THE EXECUTIVE DIRECTOR

Are we really serving?

AIP's mission is to serve the sciences of physics and astronomy by serving the Member Societies, by serving individual scientists, and by serving students and the general public.

Do the people you deal with really think you are serving them?

It is everybody's responsibility to be introspective about their role within AIP—a service organization. We must ask ourselves: "Do I really provide the services I am supposed to, or am I sometimes just going through the motions?"

Put yourself in the position of the person being served. Think, for example, of yourself when you receive poor or inferior service in a store. Think of how you feel and the level of frustration you reach when you are given the run-around on the telephone, or constantly have to talk to a machine instead of a live and helpful person. Observe a person's tone of voice when you place an order or ask for information on the phone. Then ask yourself if your customers might ever feel that way when they're communicating with you and your co-workers on AIP staff.

Try a little test. Have a colleague call you and play the role of a customer. Then see if you are perceived as really being of service.

I'd appreciate your feedback on whether you feel that AIP serves its customers well.

The state of the s

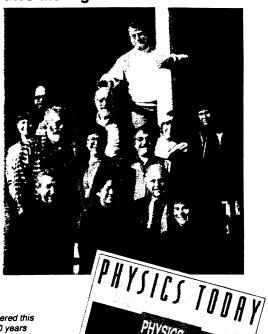
Marc

#### Play Ball!

Tom Thrash (L) catches one into the late day sunlight for KAOS, AIP NY's co-ed softball team. The group has been having a teriffic season so far. Manager Matt Stratton (Pub. Systems) is optomistic about KAOS making the playoffs; stay tuned! More on AIP's gals and guys of summer on page A1.

#### Physics Today Celebrates the Big Five O





Members of Physics Today staff gathered this spring to celebrate a true milestone: 50 years serving the physics community by producing AIP's aclaimed magazine. Included (L-R) are Jeff Schmidt & Paul Elliott (standing back); Elliot Plotkin, Judy Barker, Rita Wehrenberg, Graham Collins, Stephen Benka, Gloria Lubkin, Warren Komberg, Bert Schwarzschild, Barbara Levi, & Carol Lucas (center row); Charles Harris (PT Publisher), Jean Kumagai, Irwin Goodwin, & Toni Feder (bottom row). At right is one cover treatment created by Art Director Elliot Plotkin as a possible anniversary issue cover. (Continued on page 7)

#### Twenty Years on the Job



Linda Ziella of Journal
Production I (center at
left) clutches her citation
commemorating her 20year AIP anniversary on
21 May. Director, Human
Resources Theresa
Braun (L) and Journal
Production I Division
Manager Doreene
Berger joined all of
Linda's co-workers in
wishing her well at a
surprise breakfast in her
department.

Rita Wehrenberg From:

To: JSCHMIDT

23 Sep 1998 (Wed) 9:23 Upcoming Articles Date:

Subject:

#### Good Morning Jeff:

I am trying to get an idea of what might be coming my way in the next few weeks. What's up with the feature article pipeline? Let me know where things stand. Talk to you later.

Rita

From: Jeff Schmidt rwehrenb

Date: 23 Sep 1998 (Wed) 13:24
Subject: Upcoming Articles -Reply

Hi Rita --

Thanks for planning ahead. There is much too little of that at Physics Today.

In fact, because of the lack of advance work on the part of PT management, the answer to your question is that there is very little near the end of the feature article pipeline. I would like to edit an article within the period that you asked about (the next few weeks), but I don't have one to work on. As you may recall, this is the predicament that I have found myself in at least a couple of times each year for at least the last few years. They pressure me to edit more articles per year, but make it impossible to do so. Anyway, if Benka gives me an article to edit, I will let you know immediately what stage it is at.

Paul is promising to finish the copyediting of the Vogel article by Thursday night this week. So I plan to come in Friday morning to enter the changes and ask Elliot to make up first pages. I might need your help if Paul wants changes in equations or something like that, but that is not likely.

See you soon,

Jeff

CC: jschmidt

# American Association of Physics Teachers

Enhancing the understanding and appreciation of physics through teaching

#### Meetings and Exhibits

One Physics Ellipse College Park, MD 20740-3845

phone: 301.209.3340 fax: 301.209.0845 aapt-meet@aapt.org www.aapt.org

October 2003

Jeff Schmidt\*
Author of Disciplined Minds
3003 Van Ness St.N.W. #W406
Washington, DC 20008

#### Dear Colleague:

On behalf of the Programs Committee of the American Association of Physics Teachers (AAPT), I am pleased you will be an invited speaker at the 128th AAPT National Meeting in Miami, FL, January 24-28, 2004.

Invited sessions are the centerpieces around which our programs are organized and your participation as an invited speaker is greatly appreciated. Your effort enables us to continue to offer outstanding programs at our meetings. It is a measure of the esteem in which our professional colleagues hold your work that you have been invited.

Your invited talk is scheduled as paper DF01 on Tuesday, Jan. 27 at 1:30 p.m. The room will be equipped with a computer projector, an overhead projector and screen, but no computers (you will need to bring your own laptop).

For the first time, due to the large number of session requests and papers received, paper sessions have needed to be scheduled in Miami on both evenings, Monday and Tuesday. None of the evening sessions, however, are scheduled to conflict with a Monday or Tuesday night Area Committee meeting listed as sponsoring the session.

I offer the Association's thanks for your participation as an invited speaker and look forward to seeing you at the meeting.

Sincerely,

Richard Peterson
AAPT Vice President
Program Chair

Wrichard W. Helyson

Date: Tue, 23 Jan 2001 19:38:43 -0500 From: "Marc Brodsky" <br/>brodsky@aip.org> To: <fmdolan@socrates.Berkeley.EDU>

Subject: Re: Jeff Schmidt

Dear Prof Dolan,

I appreciate the thoughfulness of your email. I must say, I agree most with what you say in you opening paragraph.

Unfortunately employers are more constrained than most in their ability to comment about an individual employee and any reasons for termination. For the most part I feel that is good because it protects individual privacy. You will have to deal will the publicly available facts and deduce your own conclusions. However, I believe AIP acted after careful considerations af many facts and not just the ones you cited.

Sincerely,

Marc Brodsky

"Frederick M. Dolan" <fmdolan@socrates.Berkeley.EDU> 1/22/01 11:38:37 PM

To Marc Brodsky, via email Executive Director American Institute of Physics One Physics Ellipse College Park, Maryland 20740

Dear Dr. Brodsky:

Ordinarily, I would never think of intervening in cases involving hiring and firing in organizations with which I am unfamiliar. I appreciate the complexity of such decisions and understand that they can be difficult for outsiders to understand.

In the matter of Jeff Schmidt's dismissal from his position at Physics Today, I feel that I must protest. I have known Jeff for almost 25 years, and know him to be a man whose integrity and skill are simply above reproach. Whatever suggestions he may have had for Physics Today were, I am certain, well worth considering. While the American Institute of Physics may not appreciate the perspectives he brings to bear on its operations, you

surely must know that issues such as diversity, staff participation, and the like, are not going to go away. To suggest that taking some time on one's job to work on a book (if that is indeed what Jeff did) is a firing offense is, to put it crudely, Neanderthal. I should think, on the contrary, that Physics Today would be eager to take credit for nurturing the author of an excellent and incisive inquiry into the state of the discipline.

The concerns Jeff articulates are part of American life; they are here to stay. Firing Jeff, under the circumstances, is all too transparent an act, and is not likely to wash, anywhere, with anyone.

Sincerely yours,

Frederick M. Dolan

Professor Frederick M. Dolan University of California at Berkeley 7325 Dwinelle Hall Department of Rhetoric MC 2670 Berkeley CA 94720-2670

telephone 510/642-3041 Fax 510/642-8881 email fmdolan@socrates.berkeley.edu homepage http://socrates.berkeley.edu/~fmdolan

MONTH: MARCH 1998

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ARTICLES	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM	ADDITIONAL CORRECTIONS AND COMMENTS
GOLDSTEIN I	JS	1/17	"/24	1/16	1/23	1/29	
SULLIVAN	72	3/5	2/5	2/10	2/10	2/10	
BARTH	JS	2/5	3/5	2/9	2/10	2/10	
SESSLER	BS	3/6	3/6	2/9	2/10	2/10	
DEPARTMENTS	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM	ADDITIONAL CORRECTIONS AND COMMENTS
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LETTERS	PE	$\times$	7/1	3/12	2/12	2/12	4/2
SEARCH	35 RL	2/10	2/10	à/11	2/12	a/la	
WASHINGTON REPORTS	IG	2/11	<sup>2</sup> //2	2/13	2/13	3/13	Resent 2/17
PHYSICS COMMUNITY	TF JK	2/9	<b>a/9</b>	2/10	2/10	2/10	
			<b>李建筑</b>		1		
BOOKS	WK	1/29	1/29	2/3	2/3	2/3	
WHT & OBITUARIES	66	2/5	2/5	2/9	_	2/9	
NEW PRODUCTS	LR	X	2/4	3/5	2/9	2/9	
PHYSICS UPDATE	58	X	2/9	2/9	(	2/9	
	61			المحدد معاملا			A CONTRACT OF THE PARTY OF THE
WEETINGTERFA	s. lat	difference of	Section 1 second	marine Sald	2.3.4.3.4.4.		
ARTER CHOICE	***	direction of	STATE STATES		3000		
MEETING EREVIEWS	. JK	1	Service Control				
	. JK	1	2//2			12/2	
EATENDAR	X.	2/ <sub>2</sub>	a /	7		[2//a]	
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MONTH: FEBRUARY 1998

ARTICLES	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER YA MODEM	ADDITIONAL CORRECTIONS AND COMMENTS
GOODSTEW T	- JS	1417	1/24				
GEHRELS	CD	/a/ <sub>23</sub>	1/6	<b>1/1</b> 2	1/1a	1/12	
BLANPIED	IG	1/7	1/8	1/9	1/9	1/9	Remied 1/12
PIELKE	5B	1/6	1/6	1/7	1/8	1/8	
DEPARTMENTS	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM	ADDITIONAL CORRECTIONS AND COMMENTS
2000年18日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日							
LETTERS	PE	1/14	1/14	1/14	1/14	1/14	1/14
CEADCIA	30	1/~	1/9	1/12	1//3	1//4	1/14, 1/14
SEARCH R	65	1/9	1,1	//a	1/3		
WASHINGTON REPORTS	16	1/14	1/14	1/15	——————————————————————————————————————	1/15	
	1	<del>',,</del> -	1,1	17 1	//a	1/15	1/13,1/13
WASHINGTON REPORTS	IG TF JK	1/14 1/9	'//4 '/9	1/15	_ //a	1/15	
WASHINGTON REPORTS PHYSICS COMMUNITY	IG TF JK	1/14 1/9	1/14	1/15	_ //a	1/15	1/13,1/13
WASHINGTON REPORTS PHYSICS COMMUNITY	IG TF JK	1/14 1/9	1/14 1/9 12/30 1/9	1/15 1/12 1/7 1/9	_ //a	1/15	1/13,1/13
WASHINGTON REPORTS PHYSICS COMMUNITY BOOKS	IG TF JK	1/14	1/14	1/15 1/12 1/7 1/9 12/30	_ //a	1/15 1/13 1/7 1/9 1/6	1/13,1/13
WASHINGTON REPORTS PHYSICS COMMUNITY  BOOKS WHT & OBITUARIES	IG TF UK LK CO LR SB	1/14 1/9 × 1/9 1/6	1/14 1/9 12/30 1/9 12/24	1/15 1/12 1/7 1/9	- '//a - - '/6	1/15	1/13,1/13
WASHINGTON REPORTS PHYSICS COMMUNITY  BOOKS WHT & OBITUARIES NEW PRODUCTS	IG TFK UK CO LR	1/14 1/9 1/9 1/9	12/30	1/15 1/12 1/7 1/9 12/30	//a	1/15 1/13 1/7 1/9 1/6	1/13,1/13
WASHINGTON REPORTS PHYSICS COMMUNITY  BOOKS WHT & OBITUARIES NEW PRODUCTS PHYSICS UPDATE	IG TF UK CO LR SB BL	1/14 1/9 × 1/9 1/6	1/14 1/9 12/30 1/9 12/24	1/15 1/12 1/7 1/9 12/30	- '//a - - '/6	1/15 1/13 1/7 1/9 1/6	1/13,1/13
WASHINGTON REPORTS  PHYSICS COMMUNITY  BOOKS  WHT & OBITUARIES  NEW PRODUCTS  PHYSICS UPDATE  MEETING PREVIEW (APS)	IG TF UK CO LR SB BL	1/14 1/9 × 1/9 1/6	1/14 1/9 12/30 1/9 12/24	1/15 1/12 1/7 1/9 12/30	- '//a - - '/6	1/15 1/13 1/7 1/9 1/6	1/13,1/13
WASHINGTON REPORTS PHYSICS COMMUNITY  BOOKS WHT & OBITUARIES NEW PRODUCTS PHYSICS UPDATE MEETING PREVIEW (APS)	IG TF UK CO LR SB BL	1/14 1/9 × 1/9 1/6	1/14 1/9 12/30 1/9 12/24	1/15 1/12 1/7 1/9 12/30	- 1/12 - 1/6 - 1/13	1/15 1/13 1/7 1/9 1/6	1/13,1/13
WASHINGTON REPORTS PHYSICS COMMUNITY  BOOKS WHT & OBITUARIES NEW PRODUCTS PHYSICS UPDATE MEETING PREVIEW (APS)	IG TFK UK CO LR SB BL	1/14 1/9 1/9 1/6 1/6 1/14	1/14 1/9 12/30 1/9 12/24	1/15 1/12 1/7 1/9 12/30 1/8 1/12	- 1/12 - 1/6 - 1/13	1/15 1/13 1/7 1/9 1/6	1/13,1/13
WASHINGTON REPORTS  PHYSICS COMMUNITY  BOOKS  WHT & OBITUARIES  NEW PRODUCTS  PHYSICS UPDATE  MEETING PREVIEW (APS)  TABLE OF CONTENTS	IG TFK CCO LR SB BL	1/9 1/9 1/6 1/6 1/6	1/14 1/9 12/30 1/9 12/24 1/6	1/15 1/12 1/7 1/9 12/30 1/8 1/12	- 1/12 - 1/6 - 1/13	1/15 1/13 1/7 1/9 1/6 1/8	1/13,1/13

MONTH: JANUARY 1998

ARTICLES	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM	ADDITIONAL CORRECTIONS AND COMMENTS
NEITZEL	8	"//a	11/18	1/19	1/24	12/5	1a/5
MOUROU	JS	11/19	12/1	12/4	12/10	1a/11	
SOKOLSKY	BS	R/a	12/2	12/9	12/10	12/10	
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							W
DEPARTMENTS	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM	ADDITIONAL CORRECTIONS AND COMMENTS
REFERENCE FRAME (Wilczek)	GL	12/4	12/4	12/9	_	0/2/9	
LETTERS	PE	X	12/4	12/5	12/8	1/2/103	A18, 1219, 12/3
SEARCH	65	12/8	12/8	12/9	12/10	12/10	
WASHINGTON REPORTS	16	12/11	12/11	12/12	12/12	12/12	
PHYSICS COMMUNITY	TF JK	12/8	12/8	12/9	12/10	12/10	12/10
	488	AND THE REAL PROPERTY.		<b>M</b>	<b>美國國家</b>		
BOOKS	WK	11/26	1/26	12/4	12/4	12/4	
WHT & OBITUARIES	ره در	12/4	12/4	12/5	12/5	12/5	
NEW PRODUCTS	LR	1/25	11/25	11/26	12/2	12/a	
PHYSICS UPDATE	SB	$\times$	12/2	12/8	12/8	12/8	
DESCRIPTION OF THE PROPERTY OF	Sin	2.94	Service Les	MAN ERVICE	MANUTA.		THE PARTY AND PARTY.
RELECTIONES - Transport	JK.	4.8° ist i		• 2	واستعادتها		· · · · · · · · · · · · · · · · · · ·
CALENDAR	Ξς	$\times$	12/8		_	12/9	
TABLE OF CONTENTS		:4/.	/1//	12/12		19/:-	
SCHEDULED LAST PAGES TO PAIN	JER:	12/	11				
MAP COMPLETED 11/26	C	OVER	TO LANE			COVER	PROOF OK'D 12/19
FIRST BLUES AT PT $\frac{12}{17}$	1.	AST BI	.UES AT F	$e^{-12/3}$	<b>3</b> .	ISSUES	AT PT = 3/

MONTH: DECEMBER 1997

ARTICLES	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM	ADDITIONAL CORRECTIONS AND COMMENTS
ROSS	JS	8/26	9/17	_	-	10/30	
RIORDAN	JS	9/15	9/23	%24	1	10/30	
WALKER	9	11/4	11/4	"/6	"/6	11/7	"/7
INDEX	رور رو	$\times$				11/13	
. DEPARTMENTS	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM	ADDITIONAL CORRECTIONS AND COMMENTS
CONTRACTOR OF THE PROPERTY OF	6	12.35					
LETTERS	PE	$\times$	"//2	11/13	1/13	11/13	
SEARCH	66 65 81	11/7	"/7	1/10	"///	17/1	11/11
SEARCH WASHINGTON REPORTS	IG	11/7	"/7 "//a	1/10	11/11	11/13	<u>''/'</u> !
	34	,,,,	"/	11/13	1/13	17/1 11/13 11/11	<u>''/</u>
WASHINGTON REPORTS	IG TF JK JK	,,,,	"//a "/7 "/5	11/13	11/13	11/11	<u>''/</u>
WASHINGTON REPORTS PHYSICS COMMUNITY	JK JK JK	,,,,	"//a "/7	11/13 11/10 11/6	11/13	"/G "/6	11/11
WASHINGTON REPORTS PHYSICS COMMUNITY OPINION (Landauer)	IG TF JK JK	"//a  //  //3	"//a "//7	11/13	     3          6  -	/     /6   /5	11/11
WASHINGTON REPORTS PHYSICS COMMUNITY OPINION (Landaver) BOOKS	IG TIK JK CYLL IR		"//a "//5 "/30 "/3 "/3	11/13 11/10 11/6	3           6  -    4	/     /6   /5   /4	11/11
WASHINGTON REPORTS  PHYSICS COMMUNITY  OPINION (Landauer)  BOOKS  WHT & OBITUARIES	IG TF JK	///a //// ////////////////////////////	"//a "//7 "/5 10/30	11/13	3       	/     /6   /5	11/11
WASHINGTON REPORTS  PHYSICS COMMUNITY  OPINION (Landauer)  BOOKS  WHT & OBITUARIES  NEW PRODUCTS  PHYSICS UPDATE	IG TF JK JK UK COVAL LR SB	/  2   / 3   / 3   / 3   / 3   / 3   / 3	"//a "//3 "/3 "/3 "//3	11/13 11/10 11/6 11/6 11/5 10/30 11/7		/     /6   /5   /4	11/11
WASHINGTON REPORTS  PHYSICS COMMUNITY  OPINION (Landauer)  BOOKS  WHT & OBITUARIES  NEW PRODUCTS  PHYSICS UPDATE	THE JK SELL IR SB	/  2   / 3   / 3   / 3   / 3   / 3   / 3	"//a "//5 "/30 "/3 "/3 "/6	11/13 11/10 11/6 11/6 11/5 10/30 11/7		/     /6   /5   /4	
WASHINGTON REPORTS  PHYSICS COMMUNITY  OPINION (Landauer)  BOOKS  WHT & OBITUARIES  NEW PRODUCTS  PHYSICS UPDATE	THE JK SELL IR SB	/  2   / 3   / 3   / 3   / 3   / 3   / 3	"//a "//5 "/30 "/3 "/3 "/6	11/13 11/10 11/6 11/6 11/5 10/30 11/7		/     /6   /5   /4   /7	
WASHINGTON REPORTS  PHYSICS COMMUNITY  OPINION (Landauer)  BOOKS  WHT & OBITUARIES  NEW PRODUCTS  PHYSICS UPDATE  REPORTS	IG FX JK CLE LR SB	1//a 1//3 1//3 1//3 1//3 1//3 1//3 1//3	"//a "//5 "/30 "/3 "/3 "/6	11/13		/     /6   /5   /4   /7	
WASHINGTON REPORTS  PHYSICS COMMUNITY  OPINION (Landauer)  BOOKS  WHT & OBITUARIES  NEW PRODUCTS  PHYSICS UPDATE  TABLE OF CONTENTS	IG TFUK JK CHELL SB	1//2	"//a "//5 "/30 "/3 "/3 "/6	11/13		11/16 11/6 11/5 11/4 11/7	

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ARTICLES  KASAP GALISON TURNER	E D I T O R C D JK BS	111	1ST PAGES ON VENTURA 9/30 /0/8	2ND PAGES ON VENTURA 10/8 10/10	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM  10/10  10/14	ADDITIONAL CORRECTIONS AND COMMENTS
DEPARTMENTS	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM	ADDITIONAL CORFECTIONS AND COMMENTS
18美数15 (10年 314A)A (10年 10年 10年 10年 10年 10年 10年 10年 10年 10年			NO SERVICE		· · · · · ·		
LETTERS	PE	X	10/13	10/13	10/15	10/15	10/15
SEARCH	SC.	10/10	10/10	10/13	10/14	10/14	
SEARCH WASHINGTON REPORTS	IE	10/10	10/10	10/13	10/13	16/13	10/10
		101	10/10	10/13	1/7	16/13	1910
WASHINGTON REPORTS	IG JK JK	10/10	10/10	10/13	10/13	16/13	1910
WASHINGTON REPORTS PHYSICS COMMUNITY	IS IF JK JK WK	10/10	10/10	10/13	10/13	16/13 10/10 10/8	1910
WASHINGTON REPORTS PHYSICS COMMUNITY OPINION	IG JK JK	10/10 10/9 X 10/7	10/10	10/13 10/9 10/8	10/13	16/13 10/10 10/8 10/8	1910
WASHINGTON REPORTS PHYSICS COMMUNITY OPINION BOOKS	IS JK JK WK	10/10	10/10 10/9 10/7 9/30 10/7	10/13 10/9 10/8 10/8	10/13	16/13 10/8 10/8 10/9	1910
WASHINGTON REPORTS PHYSICS COMMUNITY OPINION BOOKS WHT & OBITUARIES	IS TF JK JK WK	10/10 10/9 X 10/7	10/10 10/9 10/7 9/30 10/7	10/13	10/13	16/13 10/10 10/8 10/8	1910
WASHINGTON REPORTS PHYSICS COMMUNITY OPINION BOOKS WHT & OBITUARIES NEW PRODUCTS	IS JK JK WK GO LR	10/10 10/9 X 10/7 10/6	10/10 10/9 10/7 9/30 10/7 10/6	10/13 10/9 10/8 10/8	10/13 10/10 - 10/8 - 10/9	16/13 10/8 10/8 10/9	19/10
WASHINGTON REPORTS PHYSICS COMMUNITY OPINION BOOKS WHT & OBITUARIES NEW PRODUCTS PHYSICS UPDATE	IS JK JK WK CO BL LR SB	10/10 10/9 X 10/7 10/6	10/10 10/9 10/7 10/7 10/6	10/13 10/9 10/8 10/6 10/8 10/7	10/13 10/10 - 10/8 - 10/9 10/10	16/13 10/8 10/8 10/9	1910
WASHINGTON REPORTS PHYSICS COMMUNITY OPINION BOOKS WHT & OBITUARIES NEW PRODUCTS PHYSICS UPDATE	TF JK UK WK SC LR SB	10/10/10/10/10/10/10/10/10/10/10/10/10/1	10/10 10/9 10/7 9/30 10/7 10/6	10/13 10/9 10/8 10/8 10/7	10/13 10/10 - 10/8 - 10/9	16/13 10/8 10/8 10/9	Total State Control of the Control o
WASHINGTON REPORTS PHYSICS COMMUNITY OPINION BOOKS WHT & OBITUARIES NEW PRODUCTS PHYSICS UPDATE	THE WE COLL LR SB	10/10 10/9 × 10/7 10/6	10/10 10/9 10/7 9/30 10/7 10/6	10/13 10/9 10/8 10/8 10/8	10/13 10/10 - 10/8 - 10/9	16/13 10/8 10/8 10/9	Total State Control of the Control o
WASHINGTON REPORTS PHYSICS COMMUNITY OPINION BOOKS WHT & OBITUARIES NEW PRODUCTS PHYSICS UPDATE REPORT HOICE	IS THE WEST OF THE SECOND SECO	10/10/9	10/10 10/9 10/7 9/30 10/7 10/6	10/13 10/9 10/8 10/8 10/7	10/13 10/10 - 10/8 - 10/9	16/13 10/10 10/8 10/9 10/10	
WASHINGTON REPORTS  PHYSICS COMMUNITY  OPINION  BOOKS  WHT & OBITUARIES  NEW PRODUCTS  PHYSICS UPDATE  TABLE OF CONTENTS	JK WK GD LR SB SB SB SB SB SB SB SB SB SB SB SB SB	10/10/19/10/10/19/10/19/10/19/10/19/10/19/10/19/10/19/10/19/10/19/10/19/10/10/19/10/19/10/10/10/10/10/10/10/10/10/10/10/10/10/	10/10 10/9 10/7 9/30 10/7 10/6	10/13 10/9 10/8 10/8 10/7	10/13	16/13 10/10 10/8 10/9 10/10	Total State Control of the Control o

#### SPECIAL ISSUE: ELECTRON CENTENNIAL

#### PHYSICS TODAY

MONTH: OCTOBER 1997

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	E						
	I		1ST PAGES	2ND	3RD	VENTURA	
ARTICLES	0	OUT	ON	PAGES	PAGES	CHAPTER TO PRINTER	COMMENTS
GIBSON	CD	BONE 8/as	VENTURA 8/28	9/2	9/5	9/5-43	resent 9/8
FOWLER	CD	8/20	8/25	9/2	9/3	9/4	
PERL	JS	8/25		8/28	9/4	9/4	
FRANKLIN	BS	8/27	9/5	9/5	9/8	9/8413	
ANDERSON	60	101	9/11	9/12		19/12/4	resent 9/15
7(1000103010				115		1//2	
INTRO	6L	9/15	9/15	9/15	9/16	9/16	
	E						right
	D		1ST	2ND	3RD	VENTURA	( 0)
DEPARTMENTS	T	OUT	PAGES On	PAGES ON	PAGES ON	CHAPTER TO PRINTER	COMMENTO
	R	DONE 9/	VENTURA	VENTURA	VENTURA	VIA MODEM	
REFERENCE FRAME (HERMIN)	GL	7/10	7/10	9/11	9/	69/11	PARES READY 1/5
LETTERS	PE	$\Delta$	9/4	9/5	9/5	9//29	
SEARCH	64 64 F	9/9	9/9	%/a	9/15	9/16	9/75
WASHINGTON REPORTS	16	9/15	9/15	4//6	4/16	9/16	05// 0/11 0/12 0/12 0/12
PHYSICS COMMUNITY	TF JK	7/9	9/9	9/11	9/12	915	RE 4/0 9/11, 9/12, 9/12, 9/
THE RESIDENCE OF THE PARTY OF T		5333		***			
BOOKS	WK	8/28	8/28	9/2	9/4	9/4	
WHT & OBITUARIES	CBJK	9/4	9/4	9/4	9/5	9/9	9/9
NEW PRODUCTS	85	$\times$	9/10	9/11	9/11	9/119/23	rejent 9/15
PHYSICS UPDATE	SB	$\times$	9/11	9/11		9/11 -	Tale by autich.
CHELLINGS BY MANAGEMENT				が対象を引	Andrew State of the State of th	THE PROPERTY.	T. S. Maria Carlo
RELIEF RETERED TO THE PARTY OF	K	3514		ALC: ALC	7 7 7		
CALENDAR	ec_	X	9/12	9/15	1	9/15	
CACCOUNK					1		
TABLE OF CONTENTS	نور	9/16	9.16	9/16	!	4//6	
	ر NTER	9/16 9/	9/16	9/16		4//6	
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ARTICLES  LIBICKI FICEK WALKER	EDITOR	8/1a	1ST PAGES ON VENTURA 7/21 8/12 8/7	2ND PAGES ON VENTURA 7/29 8/14 8/11	3RD PAGES ON VENTURA 7/3 O	VENTURA CHAPTER TO PRINTER VIA MODEM 7/30 8/14 8/12	COMMENTS
DEPARTMENTS	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM	COMMENTS
REFERENCE FRAME	6L PE	8/6	8/6	8/6	8/8	8/8	91.0
LETTERS SEARCH		8/8	0711	8/11	8/12	al al	8/12 8/12 - patch
WASHINGTON REPORTS	16	8/13	<sup>9</sup> /8	8/13	11a	15/5	8/14 potal
PHYSICS COMMUNITY	TF UK	8/6	8/6	21	8/11	9/2	8/12,10-101 8/13
			10	9/8		-//d	
BOOKS	wK		7/30	8/4	8/7	8/7	Z Pearly Control
WHT & OBITUARIES	18 JK	8/4	8/4	8/5	8/6	8/7	
NEW PRODUCTS	<i>E</i> <b>D</b>	$\stackrel{\checkmark}{\times}$	8/8	8/8	_	8/8	
PHYSICS UPDATE	SB	X	8/11	8/12	_	8/12 -	- late by dux schol.
MEETING PREVIEW (AVS)	3L JB	8/7	8/7	8/11	8/11	8/11	
CAREER CHOICES	JK	8/7	8/7	8/7	_	8/7	
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MAP COMPLETED 7/30	CC	VER T	O LANE	8/6		COVER	PROOF OK'D 8/20
FIRST BLUES AT PT 8/20	LA	ST BL	JES AT P	r 8/2	.2	ISSUES	AT PT 5/27

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3 oSOULEN	25	6/26	6/26	6/30	7/8	7/8	
2 SCHULTEN	CD	1/25	7/8	7/10	7/11	7/11	
OJEANLOZ	BS	7/10	7/10	7/11	7/11	7/11	
DEPARTMENTS	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM	COMMENTS
REFERENCE FRAME (Kipper)	66	7/9	7/9	7/11	7/11	7/11	
LETTERS	PE	X	7/15	7/15	7/16	11/16	
SEARCH	6L	7/10	7/10	7/11	7/11	7/11	
WASHINGTON REPORTS	IG	7/14	7/14	7/15	7/15	7/15	
PHYSICS COMMUNITY	JK	7/9	7/9	7/10	7/11	7/11	
	No.		NATURE IN				
BOOKS	WK	$\times$	6/30	7/a	7/3	7/8	
WHT & OBITUARIES	J.K ₩ ſ	7/8	7/8	7/9	7/9	7/10	
NEW PRODUCTS	BS	$\times$	7/10	7/10		7/11	
PHYSICS UPDATE	SB	$\boxtimes$	7/10	7/10	_	7/10	
THE RESIDENCE OF A SECOND							NAME OF TAXABLE PARTY.
AND STORES	B JK			<b>Service</b>	200K 700		
TABLE OF CONTENTS	CP	7/14	7/;4	7/15	_	7/15	
SCHEDULED LAST PAGES TO PRI	INTER	: 7/	14				
MAP COMPLETED 6/30	C	OVER	TO LANE	7/3		COVER	PROOF OK'D 7/11
FIRST BLUES AT PT $7/23$	L	AST BI	UES AT I	rт 7/a <u>?</u>	3	ISSUES	AT PT 7/28

MONTH: JULY 1997

ARTICLES	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD PAGES ON VENTURA	VENTURA CHAPTER TO PRINTER VIA MODEM	COMMENTS 6/3, 6/4
· HARRIS	JS	5/19	5/21	5/27	5/30	6/4	75, 94
PARSEGIAN	JS	42	6/2	6/5	6/9	6/9	
· RAIZEN	60	%	6/1a			[6//a]	
CALENDAR	هر	×	6/3	6/4		6/4	KESENT 6/6
DEPARTMENTS	E D I T O R	LAY OUT DONE	1ST PAGES ON VENTURA	2ND PAGES ON VENTURA	3RD Pages On Ventura	VENTURA CHAPTER TO PRINTER VIA MODEM	COMMENTS
STREET STREET			, ,				
LETTERS	PE	$\sim$	6/9	6/10	6/11	6/11	6/12
SEARCH	65	411	6/11	6/11	6/11	6/12	9/14
WASHINGTON REPORTS	IG	6/11	6/11	6/11	4/1a	116//a \1	
	JK				11	177	6/11 (/11/1/12)
PHYSICS COMMUNITY	JK TF	6/6	6/6	6/9	6/10	6/12	6/11, 6/11/6/12)
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MONTH: JUNE 1997

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MONTH: MAY 1997

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MONTH: APRIL 1997

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THE UNIVERSITY OF MARYLAND'S INDEPENDENT STUDENT NEWSPAPER

THURSDAY, APRIL 22, 2004

we shouldn't fight "Who are we that



ANTHROPOLOGY -Mark Leone PROFESSOR.

# Redefining the bounds of academic freedom for university affiliates

By Heather Keels

to extend the

protections of

academic

worked down the street at the American considered himself an affiliate of the university — he carried a university ID card, used the university libraries and Physics Today editor Jeff Schmidt Center for Physics in College Park.

freedom?"

with his workplace activism, Schmidt from what he considered a breach of his urned to the university for protection book and embarrassing his employers So when he was fired from his job in May 2000 after writing a controversial academic freedom.

before the university's Senate Executive turned its back on a chance to expand However, the issue finally came Committee April 8 Schmidt and many of academic freedom, redress an injustice his supporters felt the committee had and, at the very least, clarify the univer-

sity's position on its affiliates' rights.

lander and Mark Leone, suggested the Senate Campus Affairs Committee ate status, such as the relationship Two university professors, Joe Auswhich freedoms are implied by affilibetween the university and the Ameriwork out a clear, official definition of can Institute of Physics, Schmidt worked.

ive committee decided not to send the issue to the Campus Affairs Committee because several committee members But after much discussion, the execuand diverse that uniform guidelines oelieved such affiliations were so broad would be impractical.

administratively shortsighted," said cone, an anthropology professor and "What they did was, in my estimation, former senate chair, after the meeting. Please See AFFILIATES, Page 3

# Schmidt could recover univ. job

AFFILIATES, from Page 1

· 'Now there's no way that we'll ever understand how broad or narrow academic freedom exists beyond the bounds of Route 1," he said.

The executive committee's discussion centered around the various types of university affiliations. The relationship with the American Institute of Physics is unique, Ann Wylie, university President Dan Mote's chief of staff, said at the meeting. The university grants AIP members use of the its libraries, child care services and recreation center in exchange for the physics department's use of AIP's facilities.

repartments use of ALP's facilities.

Executive committee member Mike Brown pointed out that the university has a range of formal and

informal relationships, including one with an institution that does classified work, where it would be inappropriate for everyone involved to have the same freedom as university professors.

"There's no reason that this should be our issue," Brown said. "Not everybody who has a relationship with the campus that's formal can have the same freedoms."

"I don't know that we could ask a committee to write up a set of guidelines for any relationship in the abstract," committee member Charles Wellford said.

But Auslander said he felt there were precedents for the university protecting freedoms in far more

vague relationships. For example, the university has guidelines through the Fair Labor Association that protect the rights of workers in companies that make T-shirts and other trinkets with the university logo.

This document includes protection of employee activism, which Schmidt said was part of why he was fired. The official reason given by the American Institute of Physics was that Schmidt worked on a book he was writing during company time.

But a report by the Human Rights

Committee of the Plasma Science
and Applications Committee and wo
the Institute of Electrical and Elecpover tronics Engineers states it is more
likely Schmidt was fired for the
views expressed in his book, Discisho
plined Minds. The book argues that

professionals are restricted by the political ideologies of their employers. The committee also believes AIP subjected Schmidt to a "smear campaign" after he embarrassed the company by his attempts to bring more diversity to the *Physics Today* staff.

Schmidt, who is still without a job after nearly four years, said while no decision from the Senate Campus Affairs Committee could recover his job, acknowledging the offense and restoring his library privileges would be a form of punitive justice.

"If everyone were assured of their freedom of expression, then we would have a lot more personal power and a lot more corrupt practices within corporations could be brought to an end," he said. "People shouldn't have to risk their jobs to speak out," he said.

Clayton Daniel Mote, Jr.
President
University of Maryland
Main Administration Building, Room 1101
College Park, MD 20742

Dear Dr. Mote:

We were dismayed to learn that a fellow member of the University of Maryland community lost his job, and along with it his library privileges at the university, because he wrote a provocative book. We are writing in support of his request that you restore his library privileges, the loss of which would set a dangerous precedent if allowed to stand.

Jeff Schmidt worked for a university affiliate, the American Institute of Physics, as a staff editor at *Physics Today* magazine — until his book *Disciplined Minds* (Rowman & Littlefield, 2000) was published and he was dismissed. (Please see his accompanying letter for details.) As you know, the university provides part of the benefits package received by employees of its affiliates. Among other things, affiliate employees receive University of Maryland photo identification cards, which entitle them to general faculty-level university privileges such as library use, Internet access, campus bookstore and cultural-event discounts, and other benefits.

The university expends state funds to support its affiliate organizations in this way, and so it must hold those organizations to certain standards. The university should not subsidize organizations that treat members of the university community in ways that violate basic principles of that community, such as freedom of expression. Furthermore, writing a book while meeting one's job requirements is well-established as a legitimate activity within the university community, and the university should not participate in any effort that discourages it.

We therefore join Jeff Schmidt in asking that you restore his library and other university privileges. We would be happy to assist in any investigation you deem necessary.

Sincerely,

Judith P. Hallett, Department of Classics, and
Rose-Marie Oster, Department of Germanic Studies,
for the University of Maryland, College Park, chapter of the
American Association of University Professors

James J. Griffin, Department of Physics

Thomas D. Cohen, Department of Physics

Joseph Auslander, Department of Mathematics

John J. Benedetto, Department of Mathematics

Raymond L. Johnson, Department of Mathematics

Steven J. Klees, Department of Education Policy and Leadership

19 April 2001.

Clayton Daniel Mote, Jr.
President
University of Maryland
Main Administration Building, Room 1101
College Park, MD 20742

Dear Dr. Mote:

I lost my library privileges at the University of Maryland recently, when my strongly pro-labor book was published. I am writing to ask you to reverse this injustice.

The university had given me library privileges because I worked for a university affiliate, the American Institute of Physics, which publishes *Physics Today* magazine. I was a staff editor at *Physics Today* for 19 years — until the Institute saw my book and summarily fired me. *Disciplined Minds: A Critical Look at Salaried Professionals and the Soul-Battering System that Shapes Their Lives* (Rowman & Littlefield, 2000) is about the political nature of professional work and graduate education, and the need for professionals and graduate students to organize. I did a significant part of the research for it at McKeldin Library on the College Park campus.

The State of Maryland Department of Labor conducted a detailed investigation into my dismissal, prompted by my request for unemployment benefits despite being fired "for cause." The Department held a hearing, at which the Institute claimed that it fired me because it learned from my book that I had done some of the writing in my office. I contended that the Institute dismissed me because it didn't like my advocacy and workplace activism. After the hearing, the state issued its determination, rejecting the Institute's charge that my work on the book at the office constituted misconduct and awarding me full unemployment benefits. The Institute did not appeal.

The speech and action that led to my dismissal is consistent with university principles. I worked with other *Physics Today* staff members to improve working conditions, increase staff participation in decision-making, and broaden the narrow range of viewpoints allowed in the magazine. Most contentious was our effort to get the magazine to live up to its claim of being an affirmative-action employer. (We watched in dismay as years of hiring and training only whites as editors left Physics Today with an all-white staff of 16 professionals, and a non-white secretarial staff of 3.) Throughout my 19-year tenure, the Institute invariably rated me as meeting or exceeding its job requirements. In essence, I was fired for political misconduct, and the university should not participate in punishing me for this legitimate expression and political activity. Therefore, I ask that you restore my university benefits.

The University of Maryland allows the American Institute of Physics to use the university name in its recruiting. Thus, AIP induces individuals to relocate here—as I did when AIP moved from New York to College Park in 1993—in part by promising them membership in the university community. Because the university

encourages this practice, I believe you are obliged to ensure that those who are recruited in this way are actually permitted to act like members of the university community. Writing a book while meeting one's job requirements is an activity that has long been seen as legitimate within the university community. I think the university community, in which individuals have on occasion been criticized for *not* writing books, would find it clearly out of line for the university to participate in punishing me for writing a book.

Although I think the state investigation was thorough and sufficient, I would be happy to cooperate fully if you wish to conduct your own investigation into the behavior of your affiliate — for example, by appointing an impartial faculty committee. However, I ask that as a state institution you follow the state finding and restore my library privileges and other university benefits now, pending the completion of any such investigation.

Thank you for your attention to this important matter.

Sincerely,

Jeff Schmidt



1100 Marie Mount Hall College Park, Maryland 20742-7541 301.405.5805 TEL 301.405.5749 FAX http://www.inform.umd.edu/CampusInfo/Senate

February 3, 2004

TO:

Senate Executive Committee

FROM:

Joseph Auslander

Professor Emeritus, Department of Mathematics

Mark Leone

Professor, Department of Anthropology

SUBJECT: Freedom of Speech

We ask the Senate Executive Committee to place an item on the agenda of the next Senate meeting concerning a violation of freedom of speech. It regards the dismissal of a university affiliate staff member, Dr. Jeff Schmidt.

Dr. Schmidt was a staff editor of "Physics Today" published by the American Institute of Physics, which is a university affiliate. He was fired for workplace activism, including the writing of a critical book. As a result he lost his library and other university privileges.

We propose the following resolution:

The University Senate is dismayed to learn that a university affiliate, the American Institute of Physics, dismissed a staff member, Dr. Jeff Schmidt, after discovering that he did some critical writing at work. The Senate calls upon the University to:

- -Reaffirm that freedom of expression is a defining feature of the university community and that free expression must be allowed throughout this community
- -Make public its affiliation agreement with the American Center for Physics
- -Appoint an impartial committee of faculty members to investigate the action of the American Institute of Physics in this matter
- -Restore Schmidt's university privileges, so as not to participate in punishing him for his advocacy, pending the outcome of the investigation.

Senate Executive Committee February 3, 2004

A letter in support of the restoration of his privileges was signed by eight faculty members: John Benedetto, Joseph Auslander, Raymond Johnson, Thomas Cohen, James Griffin, Steven Klees, Judith Hallett, and Rose-Marie Oster.

In addition, there was a report of a committee of the Institute of Electrical and Electronic Engineers (IEEE) which substantiated the unfairness of Schmidt's dismissal. One of the signers of this report is Professor Victor Granatstein of the University's Electrical Engineering Department.

# PHYSICS TODAY MEMO.

TO:

Jeff Schmidt

FROM:

Steve Benka

SUBJECT:

Part-time status

DATE: 14 September 1999

CC: James Stith, Terri Braun

You have requested a change in employment status from full-time to part-time. In your part-time capacity, you would perform two-thirds of your workload for *Physics Today*. You would complete 12 rather than 18 articles per year and be paid two-thirds of your full-time salary. Per AIP's HR policies, as a regular part-time employee working at least 25 hours per week, you will keep all of your employee benefits.

This arrangement is subject to periodic review; your status can be changed back to fulltime, should management determine that your part-time status has an adverse impact on the magazine.

Your part-time status is effective as of 20 September 1999.

9/17/99

Approved:

From:

Stephen Benka

To:

ALL-PT

Date:

17 Nov 1996 (Sun) 18:24

Subject:

Job Security

TO: All PT Staff FROM: Steve Benka SUBJECT: Job Security

Item number 1 on the anonymous agenda expresses concern about speaking one's mind.

Nobody's job will be jeopardized by speaking freely and airing their views on matters pertinent to the magazine. I actively encourage the expression of views that may differ from my own. It is by pooling all of our individual experience, all of our individual creativity, all of our individual ideas and resources that we can get to the root causes of our concerns, and find solutions. Freedom to talk to each other about them is essential. I caution us all, however, to focus our energies and discussions on the issues --- not on the personalities involved. Certainly personal attacks are not productive.

I repeat. The retreat, and Physics Today in general, is a 'safe' place for such discussions.

There are, however, no guarantees of lifetime employment at AIP for any of us, from the Publisher on down (and up). We all have jobs to do, and we must do them well. Basing job security on job performance is sound. That won't change.

# PHYSICS TODAY MEMO

TO:

Jeff Schmidt

FROM:

Steve Benka

SUBJECT:

Part-time status

DATE: 14 September 1999

CC: James Stith, Terri Braun

You have requested a change in employment status from full-time to part-time. In your part-time capacity, you would perform two-thirds of your workload for *Physics Today*. You would complete 12 rather than 18 articles per year and be paid two-thirds of your full-time salary. Per AIP's HR policies, as a regular part-time employee working at least 25 hours per week, you will keep all of your employee benefits.

This arrangement is subject to periodic review; it can be rescinded, should management determine that your part-time status has an adverse impact on the magazine.

Jeff, this is what the memo what the memo will look like. Jim Stith will be here, I believe, no Friday to Sign this.

Your part-time status is effective as of 20 September 1999.

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J. Stith

Please return charged back to sall-time,

#### **HUMAN RIGHTS COMMITTEE**

of the
PLASMA SCIENCE AND APPLICATIONS COMMITTEE
of the
INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS

Co-Chairman: Dr. Wallace Manheimer Code 6707 Naval Research Laboratory Washington, DC 20375 Co-Chairman: Prof. Victor Granatstein Department of Electrical and Computer Engineering University of Maryland College Park, MD 20742

Report of the human rights committee, ICOPS Banff, May 2002

Last October's human rights report (A) mentioned the firing of Jeff Schmidt, an editor at Physics Today. Many people thought he was fired for the politics he expressed in a book he wrote *Disciplined Minds*, a book which claims professional are regimented to toe the 'company line' in various ways. Many hundreds of individual scientists wrote to Physics Today to protest. These are documented on a web site <a href="http://disciplined-minds.com">http://disciplined-minds.com</a>. We wrote to Marc Brodsky of AIP to request more information (B), and his response (C) is enclosed. He claimed that Schmidt was fired for using AIP time for private purposes (ie free lance writing). Our initial impulse was to think in terms of some sort of compromise between Schmidt and AIP, and we gently suggested this by sending each of them our report. At the time we also thought the matter would be resolved by the courts.

A few months ago, we got a letter from Schmidt, we have had several others since then. Among other things he told us the dispute was not being resolved in the courts. Also he told us he would still be willing to reach a compromise with AIP and that he has been unable to gain other employment, largely due to the way he left AIP, ie no credible reason, no recommendation. Also he mentioned that his savings were largely depleted. We decided to investigate further.

His web site makes several rather shocking allegations, among them:

- 1. Schmidt was given a gag order and told not to talk critically about AIP.
- 2. He was told that private conversations of any kind were not permitted in the work place.
- 3. He was fired despite being given many good ratings, promotions and salary increases during a 19 year career.
- 4. The excuse given for firing him was fraudulent in that many other AIP employees were allowed to, and in fact, even encouraged to do extracurricular work of a scholarly nature as long as their AIP deadlines were met.
- 5. He had gotten in trouble at AIP for pushing for more diversity in the workplace.
- 6. After being fired he applied for unemployment benefits from the Maryland Department of Labor. AIP tried to prevent him from collecting, but when it came time to make its case against him, did not show up to do so.

If true, these statements would be a sweeping condemnation of employment practices at AIP, an organization we all feel we are part of in some way.

To further examine this, we contacted 3 former employees who were familiar with the situation, William Sweet, Paul Elliott, and Jean Kumagai. Sweet's and Kumagai's letters are included (D and E). Elliott sent a very long statement which we summarize here (F). They all confirm these allegations (except for 6 which we were unable to verify). In fact, if anything the situation was worse than described on the web site. Once we had these, we wrote once more to Marc Brodsky. Our letter is included (G). So far he has not responded, even though it took him only a day to respond to our first letter.

Our take: It is possible that Schmidt was fired for the politics expressed in the book. Many physicists believe this and have made their concerns known to AIP. It is also possible, and in fact seems more likely to us, that he was singled out for his efforts to bring more diversity to the workplace and for other instances of workplace activism. Then, despite a long and productive career there, AIP subjected him to a two year long smear campaign designed to damage his standing and reputation there. It then found a totally bogus reason to fire him without giving him the benefit of honest evaluation or an opportunity to defend or explain himself. What is not possible is that Schmidt was fired for the reason stated by AIP.

We feel that this is inexcusable and an appropriate area of concern for our committee. This is especially true where it is in a sense a matter internal to our own community. We feel it is vital that AIP and other APS and IEEE organizations treat their employees according to the highest standards, not like galley slaves. Accordingly we ask ExCom to pass the following resolution:

#### **RESOLVED**

The Plasma Science and Applications Committee of the IEEE deplores the firing of Jeff Schmidt by AIP. An investigation by our Human Rights Committee has convinced us that his termination was improper and should be reversed. We urge AIP to rehire Schmidt, openly welcome him back, cease all harassment of him, and give him back pay for the period of his forced unemployment

Wallace Manheimer Victor Granatstein



X-Sender: wsweet@shogun.ieee.org Date: Tue, 12 Mar 2002 15:57:23 -0500

To: Wally Manheimer <manheime@ccs.nrl.navy.mil>

From: William Sweet <w.sweet@ieee.org>

Subject: Re: Disciplined minds

Dear Mr. Manheimer,

I cannot comment directly on the circumstances of Jeff Schmidt's dismissal, since I left the magazine many years before it occurred. During the eight years I worked as a colleague of Jeff's a Physics Today, I knew him to be a conscientious, competent, and consistently hardworking employee of the magazine who always got done what he was expected to get done on time and well.

Regarding the question of working on office time, it was my own experience at Physics Today that one was permitted to do freelance work or pursue personal projects, as long as they did not interfere with or detract from one's responsibilities to the magazine. I did a great deal of freelance work openly, much of it appearing in publications read regularly by Physics Today staff.

My impression is that in journalism and publishing generally, it is taken for granted that staff--and especially younger staff--will do freelance work or work on scholarly projects, partly to further their careers, partly just for the money, and partly for the joy of it. It is not uncommon, indeed, for organizations to positively encourage such work.

For that reason alone, I strongly suspect that the stated reasons for Jeff's dismissal were spurious. As stated at the outset, however, I am not in position to speculate about what the real reasons might have been.

Sincerely,

Bill Sweet

#### Dear Mr. Sweet:

I am the co-chair of the human rights committee of IEEE Plasma Science and Applications Committee. Recently the firing of Jeff Schmidt over his book *Disciplined Minds* has come to our attention and we are looking into it. Jeff has said we could contact you. For our report (to be delivered to our executive committee in the ICOPS meeting in Banff, May 24) we would like to get the impressions of other coworkers and former coworkers at AIP. If you could give us your impressions of what transpired that would be very helpful to us. Particularly Jeff said that you could describe your own experience in doing free lance work while you were employed at APS. I would appreciate if you would give me your take in a return emáil, especially on the items I mentioned. I will be away for a week and a half or so, but hopefully you can get back to me. I may also give you a call when I get back.

Thank you for your attention to this.

S 001266

X-Sender: jak.interport@pop.rcn.com Date: Sun, 21 Apr 2002 18:45:42 -0400

To: manheime@ccf.nrl.navy.mil

From: Jean Kumagai <jak.interport@rcn.com>

Subject: more about Jeff Schmidt

Dear Wally,

Thanks so much for giving me the opportunity to help your human rights committee do something on behalf of Jeff Schmidt and free expression within the science community. In my previous message, I gave brief answers to your questions about Jeff's promotions and pay raises and about the gag orders at Physics Today. Below I've provided greater detail on these two issues. I hope you find this useful for your investigation. Please let me know if I can be of further assistance.

All best,
Jean

I was a member of the Physics Today editorial staff for ten years, leaving just six months before Jeff was fired. As is the case in many workplaces, he and I and other staff members routinely discussed our interactions with management, including performance reviews, pay raises, editorial disputes, and so on. That's how I know that AIP always gave Jeff jobperformance ratings of "meets job requirements" or "exceeds job requirements." (One year, management lowered his rating from "exceeds job requirements" to "meets job requirements," despite the lack of evidence that the quality or quantity of Jeff's work had fallen. Jeff contended, and I agree, that they were punishing him for his workplace activism.)

As for promotions, I attended the staff meeting where the editor announced that Jeff had been promoted. Bill Sweet received a promotion at the same time, and I remember Jeff and Bill humorously congratulating each other while the rest of us applauded. Promotions at AIP are not automatic, but are based on careful scrutiny of the employee's work. The same goes for raises. As a matter of policy, AIP does not give automatic cost-of-living raises, only merit raises. AIP would not have employed Jeff, promoted him, and given him merit raises for 19 years if he had not been doing his job to AIP's satisfaction.

I think it is crucial to note that AIP, like other employers, regularly scrutinizes the quality and quantity of each employee's work. Thus, during my decade at Physics Today, I saw

quantity of each employee's work. Thus, during my decade at Physics Today, I saw coworkers put on probation, demoted, or fired for not meeting the magazine's standards. AIP never did any of these things to Jeff -- until they saw his critical writing.

In firing Jeff, AIP claimed that he had stolen from the company, referring to the opening lines of his book ("This book is stolen. Written in part on stolen time, that is.") This is a laughably baseless charge. In the opening paragraph of his book, Jeff explains that "written in part on stolen time" means "spending some office time on my own work." This describes common Physics Today workplace behavior, albeit with an attitude. At Physics Today there were no official break times; editorial employees were expected to meet their deadlines, and they took their breaks whenever they wanted along the way. All of Jeff's coworkers (including me) openly pursued personal interests during their work breaks, but Jeff was the

only one who was punished for failing to make sure that 100 percent of his office time was work time. The difference was the nature of Jeff's break-time activities -- his workplace activism and critical writing.

Like many employers, AIP engaged in "speed-up," demanding that editors and other employees do more work in the same amount of time. Jeff was outspoken in opposing this, in the interest of both staff and readers, but he always adapted to the changing standard himself. When Jeff was fired, he told me that he was two months ahead of schedule in meeting the annual work quota that AIP had set for him -- that he had completed 12 months' worth of work in 10 months' time. Having observed his work style for ten years, I do not doubt this.

Management had to be fully aware of these facts, and therefore fully aware that Jeff's book about the politics of work was doing nothing more than expressing a critical attitude about work. But they fired him anyway, nine days after they learned of his book and its contents, a delay that indicates that their action was calculated rather than emotional. As you may have seen, on 5 April 2002 the Chronicle of Higher Education reported the numerous protests by physicists against Jeff's firing. The reporter apparently asked AIP CEO Marc Brodsky, What if the book's opening line was merely a rhetorical device? Brodsky responded, "Even if it was, it's not good for the morale of other employees." In other words, Brodsky admits that he was willing to fire Jeff simply for expressing what Brodsky considers to be a bad attitude. I think the evidence indicates that that is exactly what Brodsky did.

As for the gag orders, the one placed on Jeff was imposed a few days after the second staff retreat. The retreat had been billed as an opportunity for the editorial staff to get together and "brainstorm" about the magazine's content and direction. Much to our surprise and disappointment, however, the managers prepared a rather rigid agenda for the retreat, one not at all conducive to creative thinking and open discussion. Near the beginning of the retreat, after opening remarks by Physics Today publisher Charles Harris, Jeff asked if we could ask questions. Harris said no. Jeff then argued that staff members SHOULD be allowed to ask questions at a retreat. Harris angrily shouted "No, that's an order!", ending the discussion. When Harris later called on me to speak about my department, I criticized him for shutting Jeff up. Some others did the same thing. The staff was quite upset by the repressive atmosphere that management had established. Needless to say, nothing much was accomplished at the retreat.

The gag order instructed Jeff not to tell his coworkers that he was being restricted, but he showed the order to me and other coworkers anyway. That upset Harris, but also led to staff pressure that forced Harris to rescind the order after about two months (along with a similar order that had been imposed on another staff editor, Graham Collins).

The gag orders were soon followed by the ban on private conversations in the workplace, wherein Physics Today Editor Stephen Benka announced that all conversations between staff members had to be open to monitoring by managers. Unlike the gag order, the ban was not issued in writing but rather declared verbally to Jeff and another staff editor, Toni Feder. (Toni and I worked very closely to produce a department of the magazine.) I heard about the ban immediately from both Jeff and Toni. Although Benka announced the ban to Jeff and Toni, he said that it applied to the entire staff. Paul Elliott, another editor, overheard the announcement. The rest of the staff learned of it, ironically, through private conversations. Unlike the gag orders, the ban on private conversations in the workplace

was never rescinded, even though Jeff formally appealed it to James Stith, a top official of the American Institute of Physics. I think the ban was aimed mainly at silencing Jeff and discouraging other staff members from talking to him.

Since leaving Physics Today in November 1999, and especially since Jeff's firing, I've often thought about the gag orders and the conversation ban and the generally repressive environment there. Unlike a lot of bad memories, though, these ones don't fade with time. I hope that the human rights committee will do whatever it can to obtain justice for Jeff. In so doing, I believe you will also be helping to improve the work environment at Physics Today, by compelling AIP to reconsider its policies and actions, and ultimately benefitting the science community at large.

S 001269

F

#### Summary of Paul Elliott's email:

Paul Elliott worked in a neighboring office to Schmidt for just under 5 years, from 1995-2000. Schmidt was an editor for 14 years before Elliott arrived, which was just after AIP hired a publisher (for the first time), Charles Harris, and an editor in chief, Steven Benka. From 1995-2000, according to Elliott, Schmidt was well regarded by the PT staff, met all deadlines and other obligations. But Harris, and Benka particularly increasingly became openly hostile toward Schmidt from about 1995 through 1997. During that period, Schmidt was in the forefront of staff efforts trying to get PT to hire a more staff with more diversity (virtually the entire professional PT staff apparently was white male), as well as bring about other improvements in the staff's working conditions. This effort apparently led to the embarrassment of PT management in front of higher ups at AIP and the PT advisory committee (I suppose a bunch of senior physicists).

At about this time, in the fall of 1997, Charles Harris not only gave Schmidt a written and secret gag order, which Elliott saw, but gave one to another editor, Graham Collins, whom Harris also saw as troublesome. A month of so later, under pressure from PT staff, these orders were rescinded. However in January 1998, Elliott heard Benka angrily tell Schmidt that private conversations between members of the PT staff behind closed doors were forbidden and had to take place outside after business hours. After this, Schmidt kept a very low profile at PT. If he had been a "troublemaker" before this, he certainly ceased being one at this point-but, said Elliott, there was no let-up in management's hostility toward him.

Elliott said that many members of the PT staff, certainly including Benka, used the work day for other private purposes. Elliott worked 10 feet from Schmidt for 5 years and saw no evidence that Schmidt was doing anything but his job as an editor. He certainly was not visibly working on a book. Elliott even pointed out that in late 1998 Schmidt took a 6 month unpaid leave of absence, and in retrospect, Elliott surmises that it was probably to work on his book. During that period too, said Elliott, management continued to openly malign and denigrate Schmidt.

Elliott's conclusion was that PT editorial management thought of Schmidt as a trouble maker, subjected him to "a long term smear campaign followed by prejudicial termination on a fundamentally bogus charge", and fired him as an act of revenge without giving him a chance to explain or defend himself.

#### **HUMAN RIGHTS COMMITEE**

of the
PLASMA SCIENCE AND APPLICATIONS COMMITTEE
of the
INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS

Co-Chairman; Dr. Wallace Manheimer Code 6707 Naval Research Laboratory Washington, DC 20375

Co-Chairman:
Prof. Victor Granatstein
Department of Electrical
and Computer Engineering
University of Maryland
College Park, MD 20742

April 17, 2002

Dr. Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, MD 20740

Dear Dr. Brodsky:

We sent you the enclosed letter concerning the firing of Jeff Schmidt and also enclosed is your response for which we thank you. We have continued to look into this matter, and we must say that with our current understanding of the situation, we find the response of AIP to be not satisfying to us. We have spoken to several people, and apparently employees at AIP are not fired for using company time for such private business as free lance writing, as long as all AIP deadlines were met. Schmidt and others have claimed that the expression 'stolen time' was not used to confess to larceny, but to emphasize the particular point made in the book. From what we know now, this seems reasonable to us.

As far as we are able to discern, Schmidt met all his deadlines at AIP and was a well regarded worker. Several people have claimed that internal records in Physics Today verify this.

There is one factual matter which we were unable to independently verify and we wonder if you could help us out. On his web site, Jeff Schmidt claimed that when applying for unemployment benefits, AIP tried to prevent him from receiving them, but when it came time for AIP to make its case to the Maryland Department of Labor, it did not show up to do so. We tried to verify this with the aforementioned department, but these records are confidential.

Let us tell you what we think may have happened. We are not certain, but this is the simplest and most reasonable explanation of the facts which we know. Around the end of 1997, in a meeting with AIP and Physics Today's external advisory committee, Jeff Schmidt embarrassed his supervisors at Physics Today by complaining to powerful outsiders about lack of diversity in the workplace. We can certainly believe that his supervisors would frown on his taking such a complaint so far outside the chain of command. In some organizations this might be grounds for dismissal, while in others it would be acceptable behavior. If Schmidt had been fired then, for that, we would be much less sympathetic to him. While unquestionably harsh, he would have suffered a serious consequence for what might have been regarded as a serious faux pas. The firing would have been honest on the part of his employer, he would most likely have learned from the experience, and the negative impact on his reputation would have been minimized. Instead however, AIP strung him along for more than two years, a time during which Schmidt was especially trying to keep out of trouble. Finally AIP found a bogus reason for firing him, and did so in a way that would do him maximum harm. This seems inexcusable to us, and an appropriate area of concern for our committee; particularly where it involves an organization which we all support and would hope lives up to the highest standards regarding its personnel.

Anyway, this is the way we currently see it and it is the way we will present it to our Executive Committee in mid May. Do we have it wrong? We invite your response. (Mail to government facilities being what it is, if you decide to respond, please fax WMM 202-767-1607; US mail to VLG okay)

There is one other thing. When we first looked into this matter, we thought the best solution would be some sort of compromise between you and Schmidt. That is why we sent both of you our initial report last October. Even at this late date, could that still be possible? Schmidt told us he would be willing to do so. Would AIP?

Yours very truly,

Wallace M. Manheimer

Victor L. Handelin

Wallace Wanheime,

Victor L. Granatstein

THE CHECKOFF: Law schools rank as a top draw for college grads and former dot-comers, with a 19% jump in the number of those taking the national Law School Admissions Test, or LSAT, this June over a year ago. ... Vengeful bosses? A quarter of the Equal Employment Opportunity Commission's fiscal 2000 cases involved alleged employer retaliation against workers speaking their mind, doubling 1990's rate.

-KATHY CHEN

S 001274

#### AMERICAN INSTITUTE OF PHYSICS

#### Employee Performance Review

Emp.	loyee's Name
Emp	loyee's Job Title Assoc. Editor Supervisor H. Davis
	Employed 3-17-81 Date Effective 3-16-82 Date Due Effective annual
	ase comment on the following categories:
1.	KNOWLEDGE OF WORK (Understanding this & related jobs): Very Good. He has
	QUALITY OF WORK (Accuracy & thoroughness): Excellent. He is extremely thorough and precise in his work; checks and double checks the
	supprit. He has a good eye for tetail.
	QUANTITY OF WORK (Volume): Aova.
4.	ABILITY TO LEARN NEW SKILLS (How rapidly and how thoroughly learned, ability to carry over from task to task): Very good. Now that he has learned the hasles, he adds to that knowledge easily.
	DEPENDABILITY (Reliability under varying circumstances, compliance with instructions & regulations): Very good. He has an excellent sense of
	responsibility and works overtime to finish his work.
	COOPERATIVENESS (Cooperation with associates, supervisors & others):
7.	The state of the s
8.	CHARACTER & ATTITUDE (Initiative, enthusiasm):
9.	ATTENDANCE (Punctuality & attendance): Excellent!
10.	POTENTIAL (Is employee promotable, in what area?)

Please answer the following questions fully:
1. WHAT DOES THIS EMPLOYEE DO ESPECIALLY WELL? He is extremely careful
and thorough in his work. He pays great attention (and very usefully so)
to production of his articles.
2. IN WHAT RESPECTS CAN THIS EMPLOYEE IMPROVE? He still works very slow
- so much so that one is reluctant to add work beyond the
MINIMUM SUE CAN EXPECT.  3. DESCRIBE ALL AROUND JOB PERFORMANCE
EXCELLENT GOOD (Very Good)
UNSATISFACTORY REMARKS
He has learned a lot in the past year and I think his performance will continue to improve as he homes his skills and as he acquires
the confidence required to be a good editor.
The confinite region of
POINTS DISCUSSED AT INTERVIEW:
DOES EMPLOYEE AGREE WITH SUPERVISOR'S APPRAISAL?
REPORT PREPARED BY THEMAS USU FORTE DATE 19 February 1982
REPORT REVIEWED BY DATE
REPORT DISCUSSED WITH EMPLOYEE BY DATE
FOR DEDCOMNET LISE ONLY:

S 001276

## Employee Performance Review

Emp	oloyee's Nan	ne <u>Jeffery S</u>	chmidt	Division	Physics Today
Emp	oloyee's Job	Title Assoc. Ed	ditor	Supervisor	H. Davis
Date	Employed	3-17-81	Date Effective	3-16-83 <u>r</u>	Date Due 2-14-83
Ple	ease comme	nt on the follow	wing categories:		
1.	KNOWLED	GE OF WORK	(Understanding this &	related jobs):	Very good
2.	QUALITY	OF WORK (Acc	curacy & thoroughnes	s): <u>Excellent</u>	: He is extremely
			e in his work proofreaders he olume): Good.	ere. He ha	s a good eye for deta
	to carry o	ver from task	to task): Very 4561	d. Now the	oughly learned, ability
<i>1</i> , <i>1</i> , 5.	CARNING to	o <i>be A jeu</i> BILITY (Reliat	ernalist for Seconding to be consisted for Second consisted for Second consisted for some consisted for the second consis	ircumstances,	compliance with
6.	coopera Excellent	_	operation with associ	ates, supervisc	ors & others):
7.	JUDGMEN	T (Accuracy of	decisions, practicat	oility): <u>Very</u>	good:
8.	CHARACT	ER & ATTITUI	DE (Initiative, enthus	iasm): <u>Very</u>	good
9.	ATTENDA	NCE (Punctual	ity & attendance):	Excellent .	
10.	POTENTIA	AL (Is employe	e promotable, in wha	it area?) You	S 001277

Please answer the following questions fully:	
1. WHAT DOES THIS EMPLOYEE DO ESPECIALL	Y WELL? He is extremely
careful and thorough in his work	
2. IN WHAT RESPECTS CAN THIS EMPLOYEE IN	APROVE? He still noorbe suite
slowly and winds up spending a lot	of American
mes good was up specially a loss in	7 DIVI IIMC.
3. DESCRIBE ALL AROUND JOB PERFORMANCE	
EXCELLENT	
VERY GOOD  SATISFACTORY	
NEEDS IMPROVEMENT	
UNSATISFACTORY	
His molocupues has continued to inve	and be in braining
His performance has continued to impose I suspect, to acquire the confiden	ive, and he is veginning,
1 suspect, to acquire the confider	uce and chutzpah required
to be a good editor.	<del>-</del>
POINTS DISCUSSED AT INTERVIEW:	
DOES EMPLOYEE AGREE WITH SUPERVISOR'S A	PPRAISAL?
REPORT PREPARED BY Thomas con Forst	DATE 14 February 1983
REPORT REVIEWED BY	DATE
REPORT DISCUSSED WITH EMPLOYEE BY	DATE
FOR PERSONNEL USE ONLY:	

## Employee Performance Review

Emp	loyee's Name	Jeffrey S	chmidt	Division	Physics 7	Today
Emp.	loyee's Job Titl	e <u>Assoc. Ed</u>	itor	Supervisor	H. Davis	
	Employed			3/16/84 ANNUAL	Date Due	ren 15 19841
	ase comment o				./	(
1.	KNOWLEDGE (	OF WORK (U	nderstanding this &	related jobs)	: <u>Yery ge</u>	<u> </u>
			eacy & thoroughness work; he is a here and he-			
	QUANTITY OF	WORK (Volu	ime): Good: 4	e works at		
4.	ABILITY TO I	LEARN NEW	SKILLS (How rapid task): Very good	dly and how the	oroughly lea	arned, ability
5.	DEPENDABIL instructions &	ITY (Reliabil regulations)	ity under varying Excellent	circumstances	, complian	ce with
6.	COOPERATIV	ENESS (Coop	eration with assoc	iates, supervi	sors & othe	ers): <u>Very</u>
7.	JUDGMENT (A	Accuracy of d	ecisions, practica	bility): <u>Kry</u>	good.	
8.	CHARACTER	& ATTITUDE	C (Initiative, enthu	siasm): Var	y good	
9.	ATTENDANCI	E (Punctuality	/ & attendance):	Excellent		
10.	POTENTIAL	(Is employee	promotable, in wh	at area?)	les_	S 001279

Please answer the following questions fully:	
1. WHAT DOES THIS EMPLOYEE DO ESPECIALL	Y WELL? He is extranely
careful and thorough in his work.	
	16.
2. IN WHAT RESPECTS CAN THIS EMPLOYEE IN	
to meet deadlines, he still works quite slow	ly. He also keeps to himself
very much and could be more open 3. DESCRIBE ALL AROUND JOB PERFORMANCE	<i>.</i> ( .
EXCELLENT	
VERY GOOD X	
SATISFACTORY NEEDS IMPROVEMENT	<del></del>
UNSATISFACTORY REMARKS	
Jeffrey has been doing a large fraction of the	solicitation of the articles he winds
up editing. Without his efforts we would not h	oc able to put four articles into an issu
Jeffrey's willingness to stay late and work very	hard has provided us with what little
backlog we have for feature articles.	
He has been very useful on the computer study gr	oup
POINTS DISCUSSED AT INTERVIEW:	
DOES EMPLOYEE AGREE WITH SUPERVISOR'S	APPRAISAL?
J. Salmit	
I have been to	0.75
REPORT PREPARED BY THE TOURTH	DATE <u>L4 FEBRUARY 1984</u>
REPORT REVIEWED BY	DATE 5 March 1984
REPORT DISCUSSED WITH EMPLOYEE BY	DATE
**************************************	· ·
FOR PERSONNEL USE ONLY:	

# 31,600 porm A 213 p

## Employee Performance Review

Emp	loyee's Name	Jeffre	ey Schmidt	Division	Physics	Today
Emp	loyee's Job Title	Assoc.	Editor	Supervisor	G. Lubk	in
Date	Employed3	/17/81	Date Effective		Date Due _	2/15/85
Ple	ease comment on the	he followi	ng categories:	ANNUAL		
1.	KNOWLEDGE OF	WORK (U	nderstanding this &	related jobs)	: <u>Very g</u> o	od
2.	QUALITY OF WC	PRK (Accu	racy & thoroughnes	s): <u>Cenerally</u> checks everyth	y excellent.	He is thorough ously.
3.	QUANTITY OF W		ume): <u>Very good.</u>	We have had se	everal issue	es with three
4.	ABILITY TO LEA	ARN NEW	SKILLS (How rapid task): <u>Very good</u>		oroughly lea	rned, ability
5.	DEPENDABILITY instructions & re	(Reliabil	lity under varying o			
6.	He is always help	ful and $c\infty$	peration with associoperative. However and insights unless	, he is not ver	sors & othery outgoing	rs): <u>Very good</u> and does not
7.			decisions, practica		good.	
8.	CHARACTER & A	ATTITUDI	$\Xi$ (Initiative, enthus	siasm): <u>Ver</u> j	good.	
9.	ATTENDANCE (I	Punctuality	y & attendance):	Excellent.		
10.	POTENTIAL (Is	employee	promotable, in wh	at area?)		S 001281

Please answer the following questions fully:
1. WHAT DOES THIS EMPLOYEE DO ESPECIALLY WELL?  And careful in checking all parts of the articles he edits.  He is extremely thorough
2. IN WHAT RESPECTS CAN THIS EMPLOYEE IMPROVE? He has started to solicit feature articles, but he should become more effective at it.
3. DESCRIBE ALL AROUND JOB PERFORMANCE
EXCELLENT GOOD VERY GOOD X SATISFACTORY NEEDS IMPROVEMENT
UNSATISFACTORY REMARKS
Jeffrey should be generating more ideas and authors for feature articles and also
for news stories. He should try to communicate these ideas to Tom, Gloria and the
rest of the staff, in story conferences and in day-to-day activity ( Julia )
POINTS DISCUSSED AT INTERVIEW:
DOES EMPLOYEE AGREE WITH SUPERVISOR'S APPRAISAL?
REPORT PREPARED BY TURNER 1844 FORTH DATE 21 February 1983
REPORT REVIEWED BY Slovia Kulken DATE 2/22/85
REPORT DISCUSSED WITH EMPLOYEE BY DATE
FOR PERSONNEL USE ONLY:

form A (706)

## AMERICAN INSTITUTE OF PHYSICS

## Employee Performance Review

Employee's Name <u>Jeffrey Schmidt</u>	Division <u>Physics Today</u>
Employee's Job Title Assoc. Editor for Articles	Supervisor Gloria Lubkin
Date Employed 3/17/81 Date Effective	3/16/86 Date Due ASAP
Please comment on the following categories:	
1. KNOWLEDGE OF WORK (Understanding this &	related jobs): <u>Very good</u>
2. QUALITY OF WORK (Accuracy & thoroughnes and careful, and he has a good eye for detail.	s): Generally excellent. He is thorough He checks everything meticulously.
3. QUANTITY OF WORK (Volume): Very good, a	lthough he works slowly.
4. ABILITY TO LEARN NEW SKILLS (How rapid to carry over from task to task): Very good	ly and how thoroughly learned, ability
5. DEPENDABILITY (Reliability under varying constructions & regulations):  Excellent. He constructions	ircumstances, compliance with an be counted on to complete a job
when he has agreed to.	
<ol> <li>COOPERATIVENESS (Cooperation with associate the should, however, be more open and volunteer the has.</li> </ol>	ates, supervisors & others): <u>Very good</u> o share informationand ideas that
7. JUDGMENT (Accuracy of decisions, practical	oility): <u>Very good.</u>
8. CHARACTER & ATTITUDE (Initiative, enthus	iasm): Very good.
9. ATTENDANCE (Punctuality & attendance): E	xcellent. S 001283
10. POTENTIAL (Is employee promotable, in what	at area?)  Yes

Please answer the following questions fully:			
1. WHAT DOES THIS EMPLOYEE DO ESPECIALLY WELL? He is extremely thorough			
and careful in editing and checking.			
2. IN WHAT RESPECTS CAN THIS EMPLOYEE IMPROVE? He should be able to work			
faster: He should not have to work so late to edit two articles a month and solicit			
a few.			
3. DESCRIBE ALL AROUND JOB PERFORMANCE			
EXCELLENT  GOOD VERY GOOD X  SATISFACTORY  NEEDS IMPROVEMENT  UNSATISFACTORY			
REMARKS			
Jeffrey has become a sensitive editor and careful stylist; his ear for English			
has improved considerably overe the years. He has also become more active in			
article solicitation and contributing to story conferences.			
POINTS DISCUSSED AT INTERVIEW:			
DOES EMPLOYEE AGREE WITH SUPERVISOR'S APPRAISAL?			
DOES EMP HOTEL MORELL WITH OUR ENVIRONMENT			
REPORT PREPARED BY THOMAS USU FOOTT DATE 26 February 1986			
REPORT REVIEWED BY GLOVE REPORT			
DEDORT DISCUSSED WITH EMPLOYEE BY DATE			
J. Schmidt 12 MAR, 86			

FOR PERSONNEL USE ONLY:

# FROM \$35, 200 YR 70 \$35, 200 /2

(6%)

## AMERICAN INSTITUTE OF PHYSICS

## Employee Performance Review

Emp	nployee's Name	ivision _	Physics Today
		uperviso:	r G. Lubkin
Date	te Employed 3/17/81 Date Effective 3/16	5/87	Date Due2/19/87
Pl	Please comment on the following categories:		
1.	. KNOWLEDGE OF WORK (Understanding this & rela	ited jobs)	: Very good
2.	. QUALITY OF WORK (Accuracy & thoroughness):		y excellent. He is
	meticulous in his editing and handles difficult art.	icles wel	1.
			· · · · · · · · · · · · · · · · · · ·
3.	. QUANTITY OF WORK (Volume): Very good altho	ugh he wo	rks slowly.
4.	. ABILITY TO LEARN NEW SKILLS (How rapidly an to carry over from task to task): Very good	d how the	proughly learned, ability
5.	DEPENDABILITY (Reliability under varying circur instructions & regulations):  Excellent. He can 1		
	job when he has agreed to.		
6.	cooperation with associates, good but he should be more open about sharing his ic		
7.	about what tasks he is willing to take on.  JUDGMENT (Accuracy of decisions, practicability)	): <u>Very</u>	good.
8.	. CHARACTER & ATTITUDE (Initiative, enthusiasm	): Very	good.
9.	ATTENDANCE (Punctuality & attendance): Excel	lent	
		- 2)	S 001285
10.	). POTENTIAL (Is employee promotable, in what are	a?) Yes	

Please answer the following questions fully:
1. WHAT DOES THIS EMPLOYEE DO ESPECIALLY WELL? He is extremely thorough
and careful in editing and checking.
2. IN WHAT RESPECTS CAN THIS EMPLOYEE IMPROVE? He should be able to work
faster, and he should take more initiative in soliciting articles.
3. DESCRIBE ALL AROUND JOB PERFORMANCE
EXCELLENT 3+  GOOD  SATISFACTORY  NEEDS IMPROVEMENT UNSATISFACTORY
REMARKS
POINTS DISCUSSED AT INTERVIEW:
DOES EMPLOYEE AGREE WITH SUPERVISOR'S APPRAISAL?
REPORT PREPARED BY TUNIAL VOIL FORT DATE 18 Feb 87
REPORT REVIEWED BY SINIA SUBKIN DATE 2/18/87 (31 MAR 87)
REPORT DISCUSSED WITH EMPLOYEE BY DATE
J. Schmett MMARCH 1987
FOR PERSONNEL USE ONLY:

Employee Performance Review

Employee's Name Jeffly Schmidt Division Physica Today
Employee's Job Title asociale Editor Supervisor Minia Lubkin
Date Employed 3/17/6/ Date Effective 3/16/68 Date Due 2/19/68
Please comment on the following categories:
1. KNOWLEDGE OF WORK (Understanding this & related jobs):
Very good
2. QUALITY OF WORK (Accuracy & thoroughness): Very god. atthora Atta
praise Ill'a latting He is thorough and produces excell-
ent allicles.
3. QUANTITY OF WORK (Volume): Iff is still very slow, laiting two
articles/month Occasionally he should edit a third.
4. ABILITY TO LEARN NEW SKILLS (How rapidly and how thoroughly learned, ability
to carry over from task to task): Very good.
5. DEPENDABILITY (Reliability under varying circumstances, compliance with instructions & regulations): Wellont, He can be counted on a funch
a yor once he agrees to do it.
6 COOPERATIVENESS (Cooperation with associates, supervisors & others): Almalla
goad but the has, on example refused to late. Hely Products of
7. JUDGMENT (Accuracy of decisions, practicability): Jeff dols well at anti-
apoling problems with the articles and authors.
8. CHARACTER & ATTITUDE (Initiative, enthusiasm): Excellent initiative dette
designed articles. Little initiative soliciting articles and identifying the for stories and articles
9. ATTENDANCE (Punctuality & attendance): First attendance. However
all comes to worklate & works late. He should keep els
Y10. POTENTIAL (Is employee promotable, in what area?) S001287

Please answer the following questions fully:
1. WHAT DOES THIS EMPLOYEE DO ESPECIALLY WELL? Jeff is an outstand
editor of articles and can be relied on by edit they articles lack
month in an expert manne.
11 0 1.
2. IN WHAT RESPECTS CAN THIS EMPLOYEE IMPROVE? No subuld uncreasely for dudity, latery more than two articles, per month,
Te should show more intrature in generating acticles
of the magazine.
3. DESCRIBE ALL AROUND JOB PERFORMANCE
EXCELLENT 3+
GOOD / SATISFACTORY
NEEDS IMPROVEMENT UNSATISFACTORY
REMARKS
Jeff should staire to be more flexible when asked to do
new kinds of tasks.
-
POINTS DISCUSSED AT INTERVIEW:
DOES EMPLOYEE AGREE WITH SUPERVISOR'S APPRAISAL?
0 = 2 + 1 = 2 + 1 = 2 + 1 = 2 = 2 + 1 = 2 = 2 = 2 = 2 = 2 = 2 = 2 = 2 = 2 =
REPORT PREPARED BY Gloria Kubkin DATE 2/19/28
REPORT REVIEWED BY DATE
REPORT DISCUSSED WITH EMPLOYEE BY DATE
1
J. Thull

بر

FOR PERSONNEL USE ONLY:

#### Jeff Schmidt: Performance Review

SENDIST OF .

- 1. <u>Planning:</u> Very good. Jeff is excellent at planning the work for his upcoming article assignments, and he is very clear (and accurate!) about what he can and cannot deliver. Furthermore, he has helped a great deal with the negotiation needed to bring articles to an editable stage. He works best on one project at a time; this has the advantage that Jeff can give all of his considerable concentration to a single project, but it has the disadvantage that occasionally a relatively small job must wait in a relatively long queue before it gets done.
- 2. Executing: Outstanding. Jeff is the mainstay as an articles editor at Physics Today. When he says an article is ready, he means that insofar as he is concerned everything--text, art, captions, credit lines--is in a publishable state. This thoroughness, his direct and persistent negotiation with authors and his management of his time are all models to which others can aspire.

My hope is that he will begin to take a somewhat more active role in soliciting new manuscripts for publication, and in the editing and acquisition of the illustrations for his articles. I would also hope he would act more quickly and more regularly in dealing with the review and refereeing of the manuscripts he is asked to supervise. I think a better system for handling the manuscripts and making it clear when a reply is needed would enable him to give more timely responses to these matters.

- 3. <u>Delegating:</u> He is quite willing to delegate work to those he thinks he can trust implicitly. For example, he has entrusted the completion of two articles in the past few months to Pat Janowski of our staff, and I believe she has indeed finished them off without further intervention from Jeff.
  - He is less willing to delegate corrections and typing--in short, routine matters, to the secretarial staff, on the (perhaps justifiable) grounds that correcting the mistakes they introduced would be more time consuming than completing the work himself. Accordingly, he often asks Elliot Plotkin to enter galley or page-proof corrections. My impression is that Elliot is generally agreeable about this, but if he cannot, it is Jeff's responsibility to have the corrections entered (perhaps himself, perhaps by someone else). In general, if Elliot cannot enter such corrections, Jeff should seek help from the managing editor.
- 4. Adaptability: Jeff has the ability to adapt his editorial input to the available time, and he manages that time effectively. He is also, by now, our most experienced hand with articles, and he seems able to edit virtually all kinds of articles. His working routines and editorial judgments, however, are by now well ingrained and occasionally seem inflexible: although he is willing to follow whatever procedures and to debate whatever editorial guidelines are set forth, there are occasions when he also seems

somewhat more concerned about clarifying rules and precedent than with finding ways to adapt to the goals at hand.

- 5. <u>Dependability:</u> Excellent. He commonly arrives a bit late, but he also generally works late into the night. As noted above, he is thorough, and he takes charge of the work assigned.
- 6. <u>Initiative:</u> Excellent, so long as he is clear the work will be needed for a soon-to-appear issue of the magazine. He has also taken the initiative (with William Sweet) for editing a special issue on science literacy to appear in December 1989. Nevertheless, he could be more forthcoming about suggesting new articles for publication in ordinary (non-single-topic) issues.
- 7. <u>Relationships:</u> Good to fair. Jeff is generally quiet, but he is unafraid of confrontation, and he is persistent about asserting his point of view.
- 8. Attendance: Excellent
- 9. <u>Potential:</u> Very good. I think Jeff can adapt to virtually any editorial direction, and he is well-qualified to train other editors in the preparation of articles. He is most valuable to us as an article editor, and he seems happy with that role; I would be quite cautious—as I think he would too—about offering assignments that would preclude his taking a continuing active role in article editing.

General Comments: Overall, 4.

Report	prepa	ared	by	Peter	G.	Brown	
Reviewe	ed by	Glor	ia	B. Lu	ıbkiı	n	

February 13, 1989

Payroll Authorization Form - B - Personnel Committee Action Only

TO: PAYROLL DATE: 01/19/90

EMPLOYEE: JEFFREY SCHMIDT DIVISION: PHYS TODAY

EMP NO.: 1437

OLD PAYROLL ACCOUNT: MANAG EDITOR NEW PAYROLL ACCT:

Salary Change: YES Title Change: Transfer:

REMARKS: EXEMPT

SALARY CHANGE INFORMATION

Position Title Grade Current Range Effective Next Review ASSOC EDIT LEV I EY05 \$31100-\$39500-\$47900 03/01/90 03/01/91

3500 HBII HHV I H103 \$31100 \$35300-\$47300 03/01/30 03/01/31

Previous Salary Amount of Increase New Salary Percent Increase

42300.0000

Quartile: 3 Overall Rating:

Recommending Party Authorized Approval Personnel

TITLE CHANGE INFORMATION

From: ASSOC EDIT LEV I To: Effective:

New Grade: New Range:

Division Head Personnel

TRANSFER (Division or Charges) INFORMATION

From: PHYS TODAY MANAG EDITOR To:

Effective Date:

Division Head Personnel

MISCELLANEOUS REMARKS:

EXEMPT

Rev. 01/90

#### EMPLOYEE PERFORMANCE REVIEW

Division: PHYSICS TODAY

S 001292

Employee: JEFFREY D SCHMIDT

Job Title: ASSOC EDIT LEV I Supervisor: GLORIA LUBKIN Date Employed: 03/17/81 Date Effective: 03/01/90 Date Due: Please comment on the following categories: PLANNING (Practical solution to problems, long versus short range): Deems to do good soft at Akarl - Term Danning Song - lenn -EXECUTING (Ability to get ideas accepted by superiors and subordinates): I aroad Marion una Mourer w DELEGATING (Allowing others to do work, assigning work properly): Turble addigner Correction entries to others, but to give und tother inter ADAPTABILITY (Flexibility, ability to accept changes, work under pressure): This to accommodate, but won't be Decourse DEPENDABILITY (Meeting deadlines, follow-up on detail): Madlines The ow of way 10 Ge INITIATIVE (Enthusiasm, interest in work): traction motion to de to do superior RELATIONSHIPS (With superiors, coworkers, and subordinates): t speak for the at This time. My relationed ATTENDANCE (Punctuality and attendance): POTENTIAL (Promotability, expansion of responsibility):

COMMENTS:	<i>f</i> /		
Jeff is the manatay of article editor	He k	7	
Melighte and dedicated and from my	limited	Mrsenno	tun
works well with outhors and that sto	ffe. He	<i>y</i>	' ' )
and cope want to Kur	In Their		
Confirence of Afollowing The Cotter -2 dition 1	Thise - o	1	
a many crusto Anjarese			
CONTROL OF THE PROPERTY OF THE			
POINTS DISCUSSED AT INTERVIEW:			
DOES EMPLOYEE AGREE WITH SUPERVISOR'S APPRAISAL?			
		<del>_</del>	
Report prepared by Lane Wersch	Date:	15 Feb	-90
Report reviewed by	Date:		
Report discussed with employee by	Date:		
(For Personnel Use Only)			

Rev. 10/89



#### INTER-OFFICE MEMORANDUM

Date: 24 April 1990

TO:

Jeffrey Schmidt

FROM:

Human Resouces

SUBJECT: Personnel Committee Action

On 24 April 1990 the Personnel Committee approved your annual rate of pay to be changed from \$42,300 (third quartile) to \$44,420 (fourth quartile) effective 1 March 1990. Your next review is scheduled for 1 March 1991.



## INTER-OFFICE MEMORANDUM

Date: 5 January 1990

TO:

All AIP Employees

FROM:

T. C. Braun

SUBJECT: Salary Matrix

Attached for your information is a copy of the Salary Matrix for all employees effective 1 January 1990.

1990 SALARY MATRIX (Effective 1/1/90)

OVERALL PERFORMANCE RATING	IRST ARTI	ECON ARTI	HIRD ARTI	OURT ARTI
CONSISTENTLY EXCEEDS STANDARDS (106-120)	9% to 12%	8% to 11%	/% to 10%	6% to 9%
EXCEEDS STANDARDS (91-105)	7% to 9%	6% to 8%	5% to 7%	4% to 6%
MEETS STANDARDS (68-90)	5% to 7%	4% to 6%	3% to 5%	2% to 4%
PARTIALLY MEETS STANDARDS (43-67)	2% to 4%	2% to 3%	2 %	0% Deferred Review
DOES NOT MEET STANDARDS (24-42)	0% Deferred Review (3 Mos)	0% Deferred Review (3 Mos)	0% Deferred Review or Termination	0% Deferred Review or Termination
ALL PROMOTIONS MUST BE R	REVIEWED BY THE DI	DIRECTOR, HUMAN RES	RESOURCES	1 1 1

Promotion - for longevity (little or no change in responsibility) - 2%

Promotion to new position with increased responsibility - 3% to 5%

Promotions that involve major changes in responsibility will be dealt with on an individual basis.

#### EMPLOYEE PERFORMANCE REVIEW

Employee:	JEFFREY D SCHMIDT	Division:	PHYS TODAY	
Job Title:	ASSOC EDIT LEV I	Supervisor:	GLORIA LUBKI	1
Date Employ	yed: 03/17/81 Dat	e Effective: 03/0	01/91 Date Du	ie:
Please comm	ment on the followin	g categories: Ploto fo o problems, long	ease see the llowing bee versus/snort	attached page 2 of this for, cange):
EXECUTING (	(Ability to get idea	s accepted by sup	periors and sub	pordinates):
DELEGATING	(Allowing others to	do work, assigni	ng work prope	rly):
ADAPTABILIT	TY (Flexibility, abi	lity to accept ch	anges, work un	nder pressure)
DEPENDABIL	ITY (Meeting deadli	nes, follow-up on	detail):	
INITIATIVE	(Enthusiasm, intere	est in work):		
RELATIONSH	IPS (With superiors,	coworkers, and s	subordinates):	
ATTENDANCE	(Punctuality and at	tendance):		
POTENTIAL	(Promotability, expa	nsion of responsi	bility):	S 001297

AIP Employee Review (Form B)	Page 2
COMMENTS:	
POINTS DISCUSSED AT INTERVIEW:	
	-
DOES EMPLOYEE AGREE WITH SUPERVISOR'S APPRAISAL?	
	<del></del>
Report prepared by Laul Moch	Date: 08 Feb 91
Report reviewed by XINIA KUBKIN	Date: 2/13/9/
Report discussed with employee by	Date:
READ 20 FEB. 91 J. Schmitt	

(For Personnel Use Only)

Planning. Jeff has improved his ordering of priorities and now reviews letters, articles and other materials submitted for his review in a more timely manner. As always, Jeff does a fine job of editing articles, in part because he methodically plans the various article-editing phases. Although he works best when concentrating on a single article, through better planning he is now interspersing preparatory work for other articles into his article-editing schedule.

Executing. Jeff is thorough and accurate at performing his assignments. However, Jeff often presents his ideas in ways (tone, nuance, persistence) that may aggravate some people. Also, Jeff at times has gotten overinvolved with trying to improve an article (as with the intro for the November 1990 issue), with diminishing returns on his investment of time.

Delegating. Where possible, Jeff delegates drudge work and does it in a way that usually gains the respect and cooperation of the delegatees.

Adaptability. If Jeff is asked to do something to which he takes exception, he will usually express his objections and sometimes repeat them. However, having concluded these representations, he does as asked and does it without recrimination.

Dependability. Jeff is the most dependable staff member with regard to meeting article completion commitment dates. He can also be counted on to carry out in timely fashion and with satisfactory results any preliminary article work (such as getting referees.) He is less dependable (although his performance has improved) on his turnaround time in reviewing articles.

Initiative. Jeff likes doing the work he does, and he takes pride in doing a good job. He has shown initiative by learning to use the communication capabilities of the computer, which has benefited <u>PT</u>. On the other hand, Jeff has been mostly passive in providing article ideas.

Relationships. Jeff generally is well liked by and gets along very well with most of his coworkers and me. He is particularly appreciated by Matt Siegel and Ellen Zeeman because he has been extremely cooperative in teaching them the "tricks" of the article-editing trade. Jeff, unfortunately, tics off some AIP people by the way he may present and pursue his ideas.

Attendance. Except for his vacation time, Jeff invariably is in the office. Although he doesn't keep conventional AIP hours, he puts in considerably more time than standards require.

Potential. Under suitable conditions, Jeff could be an even more productive staff member.

Comments. Jeff is looked upon as <u>PT</u>'s articles editor since, for many years, he has been responsible for producing about 35% of the articles that <u>PT</u> publishes. Although no one is indispensable, Jeff is among the less expendable <u>PT</u> staff members. He has a good analytic mind that should be used to provide greater input into the department's needs (such as offering ideas for and criticism of [potential] articles).

OVERALL GRADE 4-

#### ADDITIONAL COMMENTS by Paul Hersch

aue Hersch, 19 Feb 90

Under "Executing," my stating that Jeff gets overinvolved may be based on ill-founded perception. Specifically, with regard to the intro to the November 1990 issue, I omitted that Jeff was working under especially tight time constraints (the manuscript was delivered to Jeff after its deadline, which heightened my awareness of passing time), Jeff had to get and incorporate comments from the entire staff, and agreement on the final copy was complicated by key players' being on business trips during the editing process.

Under "Relationships," The last sentence is not meant to be critical of Jeff.

Under "Delegating," the word "drudge" should be not have been used. My purpose in using the word was to point out that Jeff understands that <u>Physics Today</u> is best served when he uses his time to do work that specifically requires his skills.

Under "Potential," I should have pointed out that Jeff and I should set objectives that, if approved by Gloria Lubkin and fulfilled by Jeff, would allow him to achieve a senior editor grade.

## AMERICAN INSTITUTE OF PHYSICS EXEMPT PERFORMANCE PLAN AND APPRAISAL FORM

Employee Na	<i>me</i> :	
Division:	Physics Today	Manager: Gloria Lubkin. Reports to Ken McNaughton
Job Title:	Associate Editor	
Planning Date:		Review Date(s):
+=+=+=+	·=+=+=+=+=+=	+=+=+=+=+=+=+=+=+=

<u>Instructions for Performance Appraisal:</u> Review your completed planning form and notes to assess the effectiveness with which the employee carried out each responsibility. Select the numerical rating level (summarized below) that best suits actual performance for each major responsibility. All component tasks should be reviewed in order to determine how well a responsibility has been fulfilled.

- <u>Consistently Exceeds Job Requirements</u> Performance is consistently exceptional; employee demonstrates unusually high level of accomplishment, and has mastered all essential elements of the component tasks in this responsibility.
- <u>Exceeds Job Requirements</u> Consistently performs full range of tasks in this responsibility in a manner far above satisfactory. Has full understanding of all aspects of this responsibility.
- 3 <u>Meets Job Requirements</u> Performance is satisfactory. Employee accomplishes tasks and meets expectations. Improvement continues at the expected rate, and performance is what can be expected from a well-qualified individual. Employee requires a minimum amount of counsel, guidance, and supervision.
- 2 <u>Partially Meets Job Requirements</u> Needs improvement to meet acceptable level of performance; may still require considerable supervision before performance is satisfactory. May be characterized by insufficient knowledge, ineffective planning, and/or unproductive resource management.
- 1 <u>Does Not Meet Job Requirements</u> Has demonstrated only minimally acceptable level of performance. May be characterized by lack of knowledge, ambivalent judgement, negligent planning, and/or wasteful resource management.

Enter a numerical rating for each major responsibility in the Rating column; your choices are 5, 4.5, 4, 3.5, 3, 2.5, 2, 1.5, and 1. Specific written comments must be provided for performance ratings of 5, 4.5, 2, 1.5, and 1, explaining why these high or low ratings were given. Also, if the employee's achievement in one responsibility differs substantially from the achievement in another, this should be discussed in the Appraiser's Comments section.

The numerical rating for each major responsibility times its assigned weight gives a numerical score; find the sum of scores for all major responsibilities, and convert this to a rated performance level (see the Managers' Performance Appraisal Worksheet). Enter the OVERALL RATING (not the total score) on the Performance Appraisal Form. Complete the comments portion of the appraisal form to document the employee's overall achievements and areas in need of improvement.

70%

#### 1. Edit articles:

- A. Edit articles for content, clarity, organization, length, readability, house style, grammar, spelling and impact.
- B. Communicate with authors in person and by telephone, letter, fax, and e-mail to revise and clarify articles, including satisfying referees' comments, and also to obtain approval of authors about editing changes.
- C. Negotiate with authors for tables, charts, graphs, diagrams, photographs, including possible cover art. Select art, write and edit captions.
- D. Revise articles in conjunction with copy editor, editor and authors' corrections.
- E. Proofread galleys, help prepare page layouts, check bluelines.
- F. Perform these tasks in accordance with production schedule.

#### 2. Review Manuscripts:

- A. Read submitted manuscripts at request of the editor and return a review with regard to the suitability of the manuscript for publication. These manuscripts include feature articles, letters to the editor and opinion pieces.
- B. After editor recommends referees, ask them to review manuscripts and communicate with them to ensure the reviews arrive.

15%

7. -

4.0

- Jeff is our senior editor for feature articles. He can handle a wide range of subjects and degrees of difficulty, and always produces a first-class editing job.
- Jeff is very thorough and effective at communicating with authors. He is careful to get the best possible article onto the editing desk and is diligent in following up with authors.
- Fine. Jeff is very good at getting good illustrations for articles.
- Fine.
- Fine.
- Jeff is very conscious of the schedule and tries hard to meet deadlines. He tends to resist requests for speeding up the editing process, claiming it would jeopardise quality. At times, it would be more useful to have him process more articles with less thoroughness. For 1991, Jeff edited 13 articles.

  Comparable article numbers for previous years were 15 1/2 (1989) and 16 (1990) \*Jeff should strive to maintain the quantity as well as the quality of his work.

3.5

- Jeff submits careful and competent reviews. He can produce these at short notice if asked, but is careful to point out that this will take him off editing work and hence cause delays. Left to his own devices, he tends to work continuously on editing and leaves reviews until he is reminded. This can cause problems if the editor needs a review in a hurry and has not communicated a deadline for it.
- Good. As in 1 above, he may need reminding.
  - \* In 1991 Jeff was asked to help with article solicitation more than in previous years. One article he edited was by two authors and was more time-consuming than most.

15%

- 3. Support the editorial effort of PT:
  - A. Submit ideas to editor for feature articles and to staff reporters and/or editor for news stories.
  - B. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.
  - C. Have discussions with other editors about editorial matters and help them with their editing.
  - D. Read relevant periodicals and attend relevant meetings to keep abreast of developments in physics.

2.0

- Considering his seniority and experience, Jeff could submit more ideas.
- Jeff will attend general staff meetings when asked, but is generally guarded with his comments and sometimes seems preoccupied with his own materials. In small meetings his contributions are usually precise and helpful.
- Jeff is sought out by a number of members of the staff for advice on editing and is helpful in consultations with his peers.
- Jeff receives a lot of wide range of periodicals in physics, science, business and education. However, he does not appear to translate many things he reads in periodicals into publishable ideas for articles and news items. He does not attend, nor ask to attend, a lot of meetings.

S 001306

1

Overall Rating

4 -

= 6,0%

demonstrated strengths and weaknesses. Areas needing improvement should be specified and observed during the next appraisal period. Jeff is a fine editor of feature articles and a good reviewer. He works steadily when he is in the office and produces a good volume of work. If he shared himself a bit more in staff meetings, he would make a more rounded staff member. Jeff has been on the staff for eleven years as associate editor and has accumulated a lot of wisdom about the magazine. Employee's Comments - Use this space, if desired, to comment on this review. SIGNATURES: Appraiser: Both the appraiser and employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review, but that he/she has seen the form and participated in the performance appraisal. Date: H.R. Review

Appraiser's Comments - Please comment on the employee's overall performance during this appraisal period, including

#### PHYSICS TODAY

#### PERFORMANCE PLAN 1992

February 1992-January 1993 PERIOD:

Employee Name: Jeff Schmidt

Manager: Gloria Lubkin Physics Today Division:

Physics Today Manager: Gloria Lubkin
Associate Editor Reporting to: Ken McNaughton Job Title:

Level II

Review Date(s): Planning Date:

#### Major Responsibility 1: Edit articles

Weight: 70%

Component tasks:

- 1. Communicate with authors in person and by telephone, letter, fax, telephone and e-mail to revise and clarify articles, including satisfying referees' comments, and also to obtain approval of authors about editing changes.
- 2. Edit articles for content, clarity, organization, length, readability, house style, grammar, spelling and impact.
- 3. Negotiate with author for tables, charts, graphs, diagrams, photographs, including possible cover art. art, write and edit captions.
- 4. Revise article in conjunction with copy editor, editor and author's corrections.
- 5. Proofread galleys, help prepare page layouts, check bluelines.
- 6. Perform these tasks in accordance with production schedule.

#### Major Responsibility 2: Review manuscripts

Weight: 15%

Component tasks:

- 1. Read submitted manuscripts at request of the editor and submit a review with regard to the suitability of the manuscript for publication. These manuscripts include feature articles, letters to the editor and opinion pieces.
- 2. After editor recommends referees, ask them to review manuscripts and communicate with them to ensure reviews arrive.

### Major Responsibility 3: Support the editorial effort of PT

Weight: 15%

Component tasks:

- 1. Submit ideas for feature articles and news stories.
- 2. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.
- 3. Have discussions with other editors about editorial matters and help them with their editing.
- 4. Read relevant periodicals and attend relevant meetings to keep abreast of devlepments in physics.

3 February 1993

#### PHYSICS TODAY

#### PERFORMANCE PLAN 1993

February 1993-January 1994 PERIOD:

Employee Name: Jeff Schmidt

Physics Today Division:

Associate Editor Reporting to: Value Level II Reporting to: Ken McNaughton Job Title:

#### Major Responsibility 1: Edit articles

Weight: 70%

Component tasks:

1. Communicate with authors in person and by telephone, letter, fax, telephone and e-mail to revise and clarify articles, including satisfying referees' comments, and also to obtain approval of authors about editing changes.

2. Edit articles for content, clarity, organization, length, readability, house style, grammar, spelling and impact.

3. Negotiate with author for tables, charts, graphs, diagrams, photographs, including possible cover art. art, write and edit captions.

4. Revise article in conjunction with copy editor, editor and author's corrections.

5. Proofread galleys, help prepare page layouts, check bluelines.

6. Perform these tasks in accordance with production schedule.

#### Major Responsibility 2: Solicit and review manuscripts

Weight: 20%

Component tasks:

With regard to assigned feature articles, and in consultation with the editor-in-chief:

- 1. Get in touch with the author when the outline is due.
- 2. Seek advice from a referee on the outline
- 3. Give feedback to the author about the outline.
- 4. Call the author when the manuscript is due.
- 5. Evaluate the manuscript
- 6. Contact a referee

## Major Responsibility 3: Support the editorial effort of PT

Weight: 10%

Component tasks:

- 1. Submit ideas for feature articles and news stories.
- 2. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.
- 3. On request, read and review submitted manuscripts for letters to the editor and opinion pieces.
- 4. Read relevant periodicals and attend relevant meetings to keep abreast of devlepments in physics.

#### AMERICAN INSTITUTE OF PHYSICS EXEMPT PERFORMANCE PLAN AND APPRAISAL FORM

Employee Name: Jeff Schmidt	
Division: Physics Today	Manager: Gloria Lubkin
	Reporting To: Ken McNaughton
Job Title: Associate Editor Level II	
Planning Date:	Review Date(s):
+=+=+=+=+=+=+=+=+=	=+=+=+=+=+=+=+=+=+=+=+=+=+=+=+

<u>Instructions for Performance Appraisal:</u> Review your completed planning form and notes to assess the effectiveness with which the employee carried out each responsibility. Select the numerical rating level (summarized below) that best suits actual performance for each major responsibility. All component tasks should be reviewed in order to determine how well a responsibility has been fulfilled.

- <u>Consistently Exceeds Job Requirements</u> Performance is consistently exceptional; employee demonstrates unusually high level of accomplishment, and has mastered all essential elements of the component tasks in this responsibility.
- 4 <u>Exceeds Job Requirements</u> Consistently performs full range of tasks in this responsibility in a manner far above satisfactory. Has full understanding of all aspects of this responsibility.
- Meets Job Requirements Performance is satisfactory. Employee accomplishes tasks and meets expectations. Improvement continues at the expected rate, and performance is what can be expected from a well-qualified individual. Employee requires a minimum amount of counsel, guidance, and supervision.
- 2 <u>Partially Meets Job Requirements</u> Needs improvement to meet acceptable level of performance; may still require considerable supervision before performance is satisfactory. May be characterized by insufficient knowledge, ineffective planning, and/or unproductive resource management.
- <u>Does Not Meet Job Requirements</u> Has demonstrated only minimally acceptable level of performance. May be characterized by lack of knowledge, ambivalent judgement, negligent planning, and/or wasteful resource management.

Enter a numerical rating for each major responsibility in the Rating column; your choices are 5, 4.5, 4, 3.5, 3, 2.5, 2, 1.5, and 1. Specific written comments must be provided for performance ratings of 5, 4.5, 2, 1.5, and 1, explaining why these high or low ratings were given. Also, if the employee's achievement in one responsibility differs substantially from the achievement in another, this should be discussed in the Appraiser's Comments section.

The numerical rating for each major responsibility times its assigned weight gives a numerical score; find the sum of scores for all major responsibilities, and convert this to a rated performance level (see the Managers' Performance Appraisal Worksheet). Enter the OVERALL RATING (not the total score) on the Performance Appraisal Form. Complete the comments portion of the appraisal form to document the employee's overall achievements and areas in need of improvement.

1. Edit articles:

- 80%
- A. Communicate with authors in person and by telephone, letter, fax, and e-mail to revise and clarify articles, including satisfying referees' comments, and also to obtain approval of authors about editing changes.
- B. Edit articles for content, clarity, organization, length, readability, house style, grammar, spelling and impact.
- C. Negotiate with author for tables, charts, graphs, diagrams, photographs, including possible cover art. Select art, write and edit captions.
- D. Revise article in conjunction with copy editor, editor and author's corrections.
- E. Proofread galleys, help prepare page layouts, check bluelines.
- F. Perform these tasks in accordance with production schedule.

Take responsibility for assigned feature articles, in consultation with the editor-in-chief: 15%

- A. Get in touch with the author when the outline is due.
- B. Seek advice from a referee on the outline
- C. Give feedback to the author about the outline.
- D. Call the author when the manuscript is due.
- E. Evaluate the manuscript
- F. Contact a referee
- 3. Support the editorial effort of PT:

5%

- A. Read submitted manuscripts at request of the editor and submit a review with regard to the suitability of the manuscript for publication. These manuscripts include feature articles, letters to the editor and opinion pieces.
- B. Submit ideas for feature articles and news stories.
- C. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.

1. Jeff is a diligent editor and follows each step of the editing process very carefully. He is good at communicating with authors and gets good results from them, including revisions. He pays attention to schedule and predicts where bottlenecks might occur. Jeff is the primary editor for feature articles at PT. He edited the following numbers of articles in these years (using for comparison, the months in which these articles were published, March through February, listing by the March date; some of these numbers involve revisions from numbers used in last year's review; the current numbers were developed from consistent records in the art department, whereas some of the numbers used last year were quotes from a former appraiser):

1991 1992 1989 1990 1987 1988 Year: 1986 13 12 13 13 Number: 19 15 16

Jeff prefers to work carefully and thoroughly on a smaller number of manuscripts, and resists pressure to do more, even when asked to edit more quickly and less thoroughly and thereby perhaps not make an article as clear, concise and readable as he is capable of doing. It should be noted that Jeff has taken on more responsibility for assigned articles in the last twelve months, as discussed in the next section. However, 1993 is going to be a difficult year for PT because of the upcoming move and pressure to release more editors for Search and Discovery. Jeff will be required to edit more articles than he has been doing 1989-1992, and more like the rate he maintained 1986-1988. He will therefore be assigned two articles in most months, and will be expected to edit 16 published articles March 93 through February 94.

- 2. This procedure was developed with Jeff and the other article 3.0 editors and formalized around August 1992 as a method of getting editors involved with the author earlier in the process, and as a way of trying to get more articles in the pipeline. Although Jeff appears to like the idea of getting involved earlier in the cycle, he resisted the idea of having to do more work, saying that it would be difficult to get all his editing done. It is felt that some reduction of editing may be necessary to allow this extra step. Jeff is very capable on all steps and needs to allow time for these tasks during his editing day.
- 3. Jeff is a careful reviewer of manuscripts and his opinions 2.0 are valuable. He reviewed a reasonable number of feature articles in the last twelve months (12), but he takes a long time to return the review (average 41 days). He needs to aim to return all reviews within two weeks. Jeff is not strong on submitting ideas for feature articles and news stories.

Overall Rating 3.0

appraisal period.	•
Jeff is a good editor and can be trusted relating to prominent physicist authors sure and this makes it difficult to adjustress, which we have now because of varzine. He has taken on some additional rearticles and needs to continue to be attact the magazine, rather than what he is prefer for his own workload. Jeff makes number of editors who consult him on matown work.	He tends to resist pres- ust loads in times of rious changes at the maga- esponsibility for assigned tuned to what is required used to or what he would himself available for a
Employee's Comments - Use this space, if desired, to comment on this	is review.
E ATTACHED LETTER ON TITLE CHANGE.	
Employee: J. Schmitt	Date: 17 FEB.93
Appraiser: White Kulker	Date: <u>2/17/93</u>
Both the appraiser and employee must sign and date the form. The enagreement with the review, but that he/she has seen the form and part	
H.R. Review	Date:

Appraiser's Comments - Please comment on the employee's overall performance during this appraisal period, including demonstrated strengths and weaknesses. Areas needing improvement should be specified and observed during the next



# INTER - OFFICE MEMORANDUM

February 17, 1993

To:

Jeff Schmidt

cc: Terri Braun, Gloria Lubkin,

From:

Ken McNaughton

Subject:

Title change

Jeff

The goals we have discussed in your performance appraisal call for you to edit more articles per month than you have been doing over the last four years, 1989-1992. A rate of 16 articles per year means about 1.3 articles per month, for example:

March

Zabusky

Dawson

April

Tsong

May

Lewis or something else

June

Mendez

Plus?

July

One

August

One

Another

If we aim at this schedule for you, it would be nine articles in six months. Allowing for glitches (which sometimes happen) this should guarantee you edit eight articles in six months, which is the required rate.

You are required to take responsibility for assigned articles as discussed in the review.

You should return your reviews of submitted manuscripts within two weeks of receiving them.

If you can meet these goals and maintain satisfactory performance, we would evaluate your performance again early in August and recommend a title change to be considered by the Personnel Committee in August.

Ken McNaughton Managing Editor

# AMERICAN INSTITUTE OF PHYSICS EXEMPT PERFORMANCE PLAN AND APPRAISAL FORM

Division:	Physics Today	Manager:	Gloria Lubkin
Job Title:	Senior Associate Editor		
Planning Date	e:	Review Date(s):	<b>,</b>

Instructions for Performance Appraisal: Review your completed planning form and notes to assess the effectiveness with which the employee carried out each responsibility. Select the numerical rating level (summarized below) that best suits actual performance for each major responsibility. All component tasks should be reviewed in order to determine how well a responsibility has been fulfilled.

- 5 <u>Consistently Exceeds Job Requirements</u> Performance is consistently exceptional; employee demonstrates unusually high level of accomplishment, and has mastered all essential elements of the component tasks in this responsibility.
- 4 <u>Exceeds Job Requirements</u> Consistently performs full range of tasks in this responsibility in a manner far above satisfactory. Has full understanding of all aspects of this responsibility.
- Meets Job Requirements Performance is satisfactory. Employee accomplishes tasks and meets expectations. Improvement continues at the expected rate, and performance is what can be expected from a well-qualified individual. Employee requires a minimum amount of counsel, guidance, and supervision.
- 2 <u>Partially Meets Job Requirements</u> Needs improvement to meet acceptable level of performance; may still require considerable supervision before performance is satisfactory. May be characterized by insufficient knowledge, ineffective planning, and/or unproductive resource management.
- Does Not Meet Job Requirements Has demonstrated only minimally acceptable level of performance. May be characterized by lack of knowledge, ambivalent judgement, negligent planning, and/or wasteful resource management.

Enter a numerical rating for each major responsibility in the Rating column; your choices are 5, 4.5, 4, 3.5, 3, 2.5, 2, 1.5, and 1. Specific written comments must be provided for performance ratings of 5, 4.5, 2, 1.5, and 1, explaining why these high or low ratings were given. Also, if the employee's achievement in one responsibility differs substantially from the achievement in another, this should be discussed in the Appraiser's Comments section.

The numerical rating for each major responsibility times its assigned weight gives a numerical score; find the sum of scores for all major responsibilities, and convert this to a rated performance level (see the Managers' Performance Appraisal Worksheet). Enter the OVERALL RATING (not the total score) on the Performance Appraisal Form. Complete the comments portion of the appraisal form to document the employee's overall achievements and areas in need of improvement.

808

- 1. Edit articles:
  - A. Communicate with authors in person and by telephone, letter, fax and e-mail to revise and clarify articles, including satisfying referees' comments, and also to obtain approval of authors about editing changes.
  - B. Edit articles for content, clarity, organization, length, readability, house style, grammar, spelling and impact.
  - C. Negotiate with author for tables, charts, graphs, diagrams, photographs, including possible cover art. Select art, write and edit captions.
  - D. Revise article in conjunction with copy editor, editor and author's corrections.
  - E. Proofread galleys, help prepare page layouts, check bluelines.
  - F. Perform these tasks in accordance with production schedule.
- 2. Take responsibility for assigned feature articles, in consultation with the editor-in-chief:
  - A. Get in touch with the author when the outline is due.
  - B. Seek advice from a referee on the outline
  - C. Give feedback to the author about the outline.
  - D. Call the author when the manuscript is due.
  - E. Evaluate the manuscript.
  - F. Contact a referee.
- 3. Support the editorial effort of PT:
  - A. Read submitted manuscripts at request of the editor and submit a review with regard to the suitability of the manuscript for publication. These manuscripts include feature articles, letters to the editor and opinion pieces.
  - B. Submit ideas for feature articles and news stories.
  - C. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.

15%

5%

3.0

2.0

Jeff continues to do a thorough and professional job of editing feature articles. He edited 14 in this period (published Mar. 93 - Feb. 94), which included a disruptive relocation to College Park. Jeff is capable of editing 16 articles a year, which is an average of about 1.3 articles a month. This should be his goal for the next twelve months. Jeff should continue to help the magazine get back on schedule by continuing to meet his copy deadlines.

Jeff took responsibility for the largest number of 2. assigned articles handled by any of the PT staff, often around 13 at a time. In general he handled these in an efficient and productive manner. It would be helpful if he would get into the habit of bringing his list of assigned articles, or relevant pouches, when he is called to a meeting with the Editor and Managing Editor to discuss these responsibilities.

Jeff reviewed about seven articles in the period 3. between 2/17/93 and 7/8/93 and has made a big improvement on his turnaround time. One exception was a review of an article by Owen Gingerich which was assigned just before the relocation, on October 18, and was not returned until #anuary 11. Although this may have got caught up in the move, Jeff should be careful not to let reviews "fall through the cracks." Jeff does not submit many ideas for feature articles

and news stories.

Overall Rating

•	
Appraiser's Comments - Please comment on the employee's overall produced demonstrated strengths and weaknesses. Areas needing improvement appraisal period.	performance during this appraisal period, including nt should be specified and observed during the next
Jeff was asked to improve his rate of ed	diting articles in
February 1993 over the succeeding six-mo	onth period, to return
reviews of articles faster and to continuous for assigned articles. He fulfilled the	requirements and was
promoted to senior associate editor effe	ective 8/1/93. Jeff
- elected to relocate to Maryland and has	settled into the new
situation. This has been a period of ma staff and Jeff has been an important fac	tor in continuing
operations at PT. While his production	of work has continued to
be satisfactory under the circumstances,	Jeff has chosen to
ignore AIP's requirement that all ACP st	aff be present between
the hours of 9 a.m. and 4 p.m. He arriv	es typically between 9
a.m. and 10:50 a.m. (see note re 31 Janu	lary 1994). His
iustification seems to be that it should	ln't matter, providing he
does enough work. Jeff claims that he s	stays late and works much
longer hours than required. If Jeff wants	to campaign for
different hours, it would be preferable	rather than getting a
existing rules and work to change them, rebellious example to others on the staff	facher chan secting a
repellious example to others on the star	- L •
Employee's Comments - Use this space, if desired, to comment on the	113 TOVICW.
	_
•	
SIGNATURES:	
Employee: Read 18 Feb. 94	Date:
	2/18/14 2/18
Appraiser:	_ Date: 2/10/9/9
Manager, Director or Officer]	
The same and data the form. The same	amployoo's signature does not necessarily represent
Both the appraiser and employee must sign and date the form. The eagreement with the review, but that he/she has seen the form and page	employee's signature does not necessarily represent
agreement with the review, but that he/she has seen the form and po	ancipated in the penormanic appraisan.
H.R. Review	Date:
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#### PERFORMANCE REVIEW 1995

PERIOD: February 1994-January 1995

Employee Name: Jeff Schmidt

Division: Physics Today Manager: Charles Harris

Job Title: Editor

Reporting to: The Editor of Physics Today

OVERALL RATING: 3.0

### Major Responsibility 1: Edit articles

Weight: 80% Rating: 3.0 Score: 240

Component tasks:

1. Communicate with authors in person and by telephone, letter, fax, telephone and e-mail to revise and clarify articles, including satisfying referees' comments, and also to obtain approval of authors about editing changes.

2. Edit articles for content, clarity, organization, length, readability, house style, grammar, spelling and impact.

- 3. Negotiate with author for tables, charts, graphs, diagrams, photographs, including possible cover art. Select art, write and edit captions.
- 4. Revise article in conjunction with copy editor, editor and author's corrections.
- 5. Proofread galleys, help prepare page layouts, check bluelines.
- 6. Perform these tasks in accordance with production schedule.

Comments: Jeff is very good at taking technical articles and making them readable. He does a thorough editing job and his articles don't usually need much extra work to get them into publishable form, either in the text or the illustrations. Between February 1994 and January 1995, Jeff edited ten feature articles and two two-page introductory pieces. Because the March 1994 issue closed March 11 and the March 1995 issue closed February 10, Jeff was actually asked to work on 13 issues in this twelve month review period. If we consider the two introductory articles combined to be equivalent to one regular article, Jeff's productivity amounts to 0.85 articles per issue, or 0.9 articles per calendar month.

In Jeff's performance review of 2/94, it was noted that he edited 14 feature articles (published Mar. 93 - Feb. 94), and his production of work was considered "satisfactory under the circumstances." This period included a disruptive relocation to College Park. The review noted that "Jeff is capable of editing 16 articles a year, an average of about 1.3 articles a month. This should be his goal for the next twelve months."

Jeff did not meet this goal in 1994.

Major Responsibility 2: Take responsibility for assigned articles
Weight: 15% Rating: 3.5 Score: 52.5

Component tasks:

With regard to assigned feature articles, and in consultation with the editor-in-chief:

- 1. Get in touch with the author when the outline is due.
- 2. Seek advice from a referee on the outline
- 3. Give feedback to the author about the outline.
- 4. Call the author when the manuscript is due.
- 5. Evaluate the manuscript
- 6. Contact a referee

Comments: Jeff carries the heaviest load of assigned articles and is usually thorough, perceptive and reasonably prompt.

Major Responsibility 3: Support the editorial effort of PT Weight: 5% Rating: 3 Score: 15

Component tasks:

- 1. Read submitted manuscripts at request of the editor and submit a review with regard to the suitability of the manuscript for publication. These manuscripts include feature articles, letters to the editor and opinion pieces.
- 2. Submit ideas for feature articles and news stories.
- 3. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.
- 4. Read relevant periodicals and attend relevant meetings to keep abreast of developments in physics.

Comments: Jeff's reviews are usually insightful, intellectually critical and reasonably prompt. The computer log shows that Jeff reviewed nine feature articles and twenty six letters in this period. Jeff is not a big source of ideas for news stories and feature articles, but he often makes interesting comments in meetings that are well thought out and sometimes these turn out to be ideas that no one else has articulated.

#### Appraisers Comments:

Jeff is a very capable editor and does an excellent job of editing feature articles and a good job of handling the other duties described above. His productivity on his main function of editing feature articles is below capacity. With the magazine's call for more but shorter articles, Jeff must aim to edit a minimum of 16 articles published April 1995 to March 1996.

Employee's Comments:
·
SIGNATURES:  Employee: Date: 6.7.6.95  Appraiser: Stul Blacker Date: 2/16/95
Employee:
Appraiser: Sind Bluka Date: //6/.95
Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.
H.R. Review:Date:Date:

3

#### PERFORMANCE PLAN 1994

February 1994-January 1995 PERIOD:

Employee Name: Jeff Schmidt

Division:

Physics Today Manager: Gloria Lubkin Senior Associate Reporting to: Ken McNaughton Job Title:

Editor

# Major Responsibility 1: Edit articles

Weight: 80%

component tasks:

- 1. Communicate with authors in person and by telephone, letter, fax, telephone and e-mail to revise and clarify articles, including satisfying referees' comments, and also to obtain approval of authors about editing changes.
- 2. Edit articles for content, clarity, organization, length, readability, house style, grammar, spelling and impact.
- 3. Negotiate with author for tables, charts, graphs, diagrams, photographs, including possible cover art. Select art, write and edit captions.
- 4. Revise article in conjunction with copy editor, editor and author's corrections.
- 5. Proofread galleys, help prepare page layouts, check bluelines.
- 6. Perform these tasks in accordance with production schedule.

# Major Responsibility 2: Take responsibity for assigned articles Weight: 15%

Component tasks:

With regard to assigned feature articles, and in consultation with the editor-in-chief:

- 1. Get in touch with the author when the outline is due.
- 2. Seek advice from a referee on the outline
- 3. Give feedback to the author about the outline.
- 4. Call the author when the manuscript is due.
- 5. Evaluate the manuscript
- 6. Contact a referee

# Major Responsibility 3: Support the editorial effort of PT Weight: 5%

Component tasks:

- 1. Read submitted manuscripts at request of the editor and submit a review with regard to the suitability of the manuscript for publication. These manuscripts include feature articles, letters to the editor and opinion pieces.
- 2. Submit ideas for feature articles and news stories.
- 3. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.
- 4. Read relevant periodicals and attend relevant meetings to keep abreast of devlepments in physics.

#### JOB DESCRIPTION

Initials:

JS

Job title:

Editor

Branch/Division:

Physics Programs/Physics Today

Reports to:

Editor

# BRIEF DESCRIPTION OF JOB DUTIES:

Take responsibility for assigned articles, dealing with authors and reviewers; edit the articles

#### ESSENTIAL FUNCTIONS:

- 1. Edit feature articles in conjunction with authors; negotiate for artwork; monitor articles through production
- 2. Take responsibility for assigned articles; this includes reviewing the article, obtaining an outside review and conveying recommended revisions to the author
- 3. Review feature articles and letters to the editor
- 4. Provide editorial support through staff discussions, reading and traveling to keep abreast of the field and offering suggestions for articles and stories.

#### QUALIFICATIONS:

Graduate level training in physics or other physical science; several years' experience in editing or writing for a scientific or technical magazine

March 12, 1996

#### PHYSICS TODAY

#### PERFORMANCE REVIEW 1996

PERIOD: February 1995-January 1996

Employee Name: Jeff Schmidt

Division: Physics Today Manager: Steve Benka

Job Title: Senior Associate Editor

Reporting to: Steve Benka

Overall Rating: 4

# Major Responsibility 1: Edit articles

Weight: 80% Rating: 4.0 Rating: 320

Component tasks:

1. Edit articles for content (including art), clarity, organization, length, readability, house style, grammar, spelling and impact. Do this in conjunction with authors and the editor, and so as to meet editorial deadlines.

2. See articles through production. This includes obtaining or performing revisions, proofreading, preparing layouts and checking bluelines, all so as to meet editorial deadlines.

Comments: Jeff does a thorough and professional job of editing feature articles. He edited 16 in this period (published Mar. -95 - Feb. 96), including one that was very difficult (Platzman) and four assigned to him for quick production (Spano, Goldberg, Martin, and Gruner). His articles are generally ready on time and often they are early. The editor appreciates this.

# Major Responsibility 2: Take responsibility for assigned articles

Weight: 15% Rating: 3.0 Rating: 45

Component tasks:

In consultation with the editor:

- 1. Contact authors to obtain outlines and manuscripts.
- 2. Contact referees for advice on outlines and manuscripts.
- 3. Evaluate outlines and manuscripts, in conjunction with the editor and referee. Give feedback to the author, to develop an appropriate article.

Comments: Jeff has expressed a preference for articles that are ready to edit, and the editor has tried to provide them. Even so, Jeff needs to get involved much earlier when he is asked to. Articles-in-the-making sometimes languish in his office, until he is explicitly asked to move them forward. Jeff needs to take more responsibility in this area.

Major Responsibility 3: Support the editorial effort of PT Weight: 5% Rating: 3.0 Rating: 15 Component tasks:

- 1. Read submitted manuscripts at request of the editor and provide a review with regard to the suitability of the manuscript for publication. These manuscripts include feature articles, letters to the editor and opinion pieces.
- 2. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.
- 3. Submit ideas for feature articles and news stories.

#### Comments:

Jeff's reviews are often insightful and useful, and are often, but not always, prompt. His comments in meetings often provide a useful counterpoint to discussions. He is not expected to be a great source of ideas for articles and news stories, but occasionally has ideas with merit.

Appraiser's comments: Jeff rose to the challenge of editing 16 articles in 1995. He continues to be an excellent editor, and handles even the difficult assignments well. His comments and views on editorial ideas and policies, while sometimes contrarian, are generally insightful.

Jeff needs to become involved earlier in the process of acquiring articles and their first revisions. He also needs to communicate accurately and completely with editorial management on matters relevant to the magazine and its production.

The salary adjustment is retroactive to February 1, 1996.

OVERALL RATING:	4.0	OVERALL	SCORE:	380
Employee's Comments				
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H.R. Review:		Date:.		• • • • • • • • • • • • • • • • • • • •

February 13, 1997

#### PHYSICS TODAY

#### PERFORMANCE REVIEW 1997

Employee Name: Jeff Schmidt

Division: Physics Today Manager: Steve Benka

Job Title: Senior Associate Editor

Reporting to: Editor

PERIOD: Feb 1996-Jan 1997 (PT issues March '96-Feb '97)

Overall Rating: 4

# Major Responsibility 1: Edit articles

Weight: 80% Rating: 4.0 Rating: 320

#### Component tasks:

1. Edit articles for content (including art), clarity, organization, length, readability, house style, grammar, spelling and impact. Do this in conjunction with authors and the editor, and so as to meet editorial deadlines.

2. See articles through production. This includes obtaining or performing revisions, proofreading, preparing layouts and checking bluelines, all so as to meet editorial deadlines.

Comments: Jeff is a thorough and professional editor. He edited15 feature articles in this period, one shy of his agreed upon
goal of 16. One of them (ITER debate, June '96) was very
difficult to produce and was assigned to him at a late date. He
did a fine job with that one, and with all of them. His articles
are generally ready on time and often they are early. Jeff was
also instrumental in streamlining the articles-editing process
within PT.

# Major Responsibility 2: Take responsibility for assigned articles

Weight: 15% Rating: 3.5 Rating: 52.5

## Component tasks:

In consultation with the editor:

- 1. Contact authors to obtain outlines and manuscripts.
- 2. Contact referees for advice on outlines and manuscripts.
- 3. Evaluate outlines and manuscripts, in conjunction with the editor and referee. Give feedback to the author, to develop an appropriate article.

Comments: Jeff has expressed a desire to always have at least one article ready to edit. He has also gotten involved at much earlier stages in the articles-acquisition process.

Major Responsibility 3: Support the editorial effort of PT Weight: 5% Rating: 3.0 Rating: 15 Component tasks:

- 1. Read submitted manuscripts (feature articles, letters and opinion pieces) at request of the editor and provide a review with regard to the suitability of the manuscript for publication.
- 2. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.
- 3. Submit ideas for feature articles and news stories.

#### Comments:

Jeff's reviews are often insightful and useful, but they are not always prompt. His comments in meetings often provide a useful counterpoint to discussions. He is not expected to be a major source of ideas for articles and news stories, but occasionally has ideas with merit.

Appraiser's comments: Jeff is an excellent editor, and handles even the difficult assignments well. His comments and views on editorial ideas and policies are generally insightful.

Jeff needs to increase his article output in 1997 to at least 16, and preferably 18. He also needs to return his manuscript reviews promptly.

OVERALL RATING: 4.0 OVERALL SCORE: 387.5

Employee's Comments:

SIGNATURES:	
Employee: James Date: 13 Feb. 97  Appraiser: Stew Benka Date: 4/3/97	
Appraiser: Stew Genka Date: 2/13/97	
Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.	
H.R. Review:Date:Date:	

# PHYSICS TODAY PERFORMANCE REVIEW 1998

March 12, 1998

Employee Name:

Jeff Schmidt

Job Title:

Senior Associate Editor

Division:

Physics Today

Reports to:

Editor

PERIOD:

Feb 1997-Jan 1998 (PT issues March '97-Feb '98)

# Major Responsibility 1: Edit articles

Weight: 76%

Rating: 3.0

Score: 228

Component tasks:

1. Edit articles for content (including art), clarity, organization, length, readability, house style, grammar, spelling and impact. Do this in conjunction with authors and the editor, and so as to meet editorial deadlines.

2. See articles through production. This includes obtaining or performing revisions, proofreading, preparing layouts and checking bluelines, all so as to meet editorial deadlines.

Comments: Jeff's articles are generally ready on time and are often early. For this review period, he was asked to produce 16–18 articles. Seven months into this review period, we made an adjustment (reflected in the above weight) because of his imminent fatherhood that effectively reduced his production minimum from 16 to 15, and he met this revised goal. (This counts the two-part Goldstein article (Mar & Apr '98) as two articles, both completed within this period.) He declined several articles that were offered to him for editing (including Fink, Cohn, Jeanloz, Kasap, and a second one for the October special issue).

His work ranged from very good (as with Perl, who praised the editing) through average (Crabtree, Nelson) to poor (the Mourou article had a number of substantive errors of physics and notation, which should have been spotted by Jeff but had to be corrected by the Editor).

# Major Responsibility 2: Take responsibility for assigned articles

Weight: 19%

Rating: 3.5

Score: 66.5

### Component tasks:

In consultation with the editor:

- 1. Contact authors to obtain outlines and manuscripts.
- 2. Contact referees for advice on outlines and manuscripts.
- 3. Evaluate outlines and manuscripts, in conjunction with the editor and referee. Give feedback to the author, to develop an appropriate article.

Comments: Jeff did well in this area of his job, and regularly nudged authors and reviewers whose items were pending.

Fink-March 97 Cohn-May 97 Jeanloz-Aug. 97 Kasap-Nov. 97

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# Major Responsibility 3: Support the editorial effort of PT

Weight: 5%

Rating: 2.0

Score: 10.0

Component tasks:

- 1. Read submitted manuscripts (feature articles, letters and opinion pieces) at request of Editor and provide a review with regard to the suitability of the manuscript for publication.
- 2. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.
- 3. Submit ideas for feature articles and news stories.

Comments: Jeff's reviews of manuscripts have been completed more promptly than in the past, although they were somewhat less helpful. In his review of one Letter to the Editor, for example, he showed questionable judgement in his assessment of the physics competence of the authors of the Hubble Deep Field article (April '97). Not being a reporter, he is still not expected to be a major source of article and story ideas.

Appraiser's comments and Performance Plan: Over the last few years, Physics Today has been undergoing a number of changes—including raising levels of productivity, editorial quality and graphic design. Jeff is very capable of meeting these new demands. At the request of the Editor, Jeff did begin to handle his own correspondence with authors, as is done by all other articles editors. He has not yet begun to do his own keyboarding of editorial changes, as is done by all other articles editors.

In the next review period, he is expected to produce 18 high-quality articles, editing and rewriting text as needed, handling his own correspondence and doing all of his own keyboarding. The articles must be consistent with the magazine's standards of accuracy, readability, brevity, and visual appeal.

In addition, he is expected to provide helpful support to the overall editorial effort of the magazine.

**OVERALL RATING:** 

3.0

**OVERALL SCORE:** 

304.5

Employee's Comments:

SIGNATURES:
Employee: Date: 20 Aug. 98
Appraiser: Steve Benka Date: 3/23/98
Both the appraiser and the employee must sign and date the form. The employee's signatur does not necessarily represent agreement with the review but that he/she has seen the form and
H.R. Review: Date: 4/51/98

Employee Name: Jeff Schmidt Job Title: Senior Associate Editor

Division: Physics Today Reports to: Editor

PERIOD: Feb 1998-Aug 1999 (PT issues March '98-Sep '99) - incl. 6-mo. sabbatical

Major Responsibility 1: Edit articles

Weight: 80% Rating: 2.75 Score: 220

Comments: For this review period, Jeff was asked to produce 18 high-quality articles, and he actually produced 13.5, which is unacceptable. This counts his partial contribution to the May '98 50th anniversary issue as 1/2-article rather than 1, because he had to be removed from the project. Given that one of Jeff's articles (Segev, 8/98) was extremely difficult (just making it publishable was a good accomplishment), and two other articles were assigned to Jeff on relatively short notice, but he nevertheless completed them in time for publication, 17 articles might have been deemed an acceptable number (rating a 3.0). Delivering more than 3 full articles less than that, however, is a very large shortfall, and rates at best a 2.0.

Aside from the anniversary issue, Jeff's editing was satisfactory, rating a 3.5. He still needs to find ways, such as creative rewriting, to better improve the readability of our less talented authors.

Major Responsibility 2: Take responsibility for assigned articles

Weight: 15% Rating: 3.5 Score: 52.5

Comments: Jeff still does well in this area of his job.

Major Responsibility 3: Support the editorial effort of PT

Weight: 5% Rating: 1.5 Score: 7.5

Comments: During this review period, Jeff repeatedly engaged in disruptive and counterproductive behavior, damaging a collegial office climate and thereby undermining the editorial effort of *Physics Today*. Such behavior is unacceptable. Two examples will suffice.

(1) As noted above, Jeff was removed from working on the PT Anniversary issue. That was for two reasons: He produced a very unbalanced set of decadal excerpts, strongly centered on political issues, whereas he had been directed to focus on physics excerpts while his non-physicist partner focused on other excerpts. All five decades paired a physicist with a non-physicist in that manner. When his partner pointed out the imbalance and made suggestions to fix it, Jeff rebuffed him, provoking his partner to quit. For his failure to produce excerpts consistent with the stated goal, and for his failure to work respectfully and collegially with a fellow editor, he was removed from the job, which was completed by his partner and another physicist on the staff

who had already completed his decadal excerpts.

OVERALL RATING: 2.8 3.0

Employee's Comments:

(2) Jeff wrote a response to his last performance review, as he is entitled to do. The response was 19 pages long (with another 38 pages of addenda), reacted to out-of-context comments from his review, and dwelled at length on issues not related to his job or to his review. Jeff made no attempt to discuss his response with his manager, but instead surreptitiously circulated it to PT staff members, whether they wanted to see it or not. Such an action seems to actively undermine not only the cohesiveness and morale of the staff, but also the staff's respect for management. Such an action in no way constructively supports the editorial efforts of PT; rather, it destructively undermines such efforts.

Appraiser's comments and Performance Plan: This review covers a 12-month work period, albeit an 18-month calendar period. Jeff took a six-month sabbatical during this review period, from mid-December to mid-June. In the two months since his return, he has worked effectively at his job, and contributed positively in staff meetings.

At Jeff's request, his salary will be reduced by 1/3, and his workload will also be reduced by 1/3, to 12 articles per year. As always, the articles must be of high quality, with Jeff editing and rewriting text as needed. The articles must be consistent with the magazine's standards of readability, accuracy, brevity, and visual appeal. He must continue to handle his own correspondence and do all of his own keyboarding.

**OVERALL SCORE: 280.0** 

In addition, he is expected to provide helpful support to the overall editorial effort of the magazine.

See attached two-page memo dated 19 August 1999.

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SIGNATURES:	, , M		
Employee:	Solmult	Date: 19 Aug. 99	
Appraiser:	Leve Benka	Date: 19 Aug. 99  Date: 8/17/99	
not necessarily rep		and date the form. The employee's signature deview but that he/she has seen the form and	oes
H.R. Review:		Date:	

To: Stephen Benka, Editor, Physics Today, American Institute of Physics

From: Jeff Schmidt, Senior Associate Editor, Physics Today

Subject: My 1999 performance review (dated 13 August 1999 and signed by you on 17 August 1999)

I was disappointed to find that you wrote my 1999 performance review in the same punitive spirit as my 1998 review. Like my 1998 review, the present review understates or completely leaves out my accomplishments and does not mention the praise that I have received for my work. At the same time, it contrives deficiencies and plays them up. I had thought you had gotten beyond that.

I was also surprised to see that you used an unchanged version of my 1998 review as a starting point for the 1999 review, thereby compounding many serious errors. As you know, in my memo of 27 April 1998 I brought to AIP's attention a number of serious errors in my 1998 performance review — places where statements in the review conflict with the (still existing) written record. AIP did not find fault with any of my corrections, yet you have proceeded as if they had never been brought to AIP's attention.

Hence, not perceiving a genuine interest in accuracy in these matters, let alone fairness, I will not detail here the many serious errors of fact in the 1999 review and the obvious reasons for those errors. I will just make the general statement (and give a few examples) that the 1999 review stands in conflict with the written record as much as the 1998 review did — and for the same reasons, which are detailed in my memo of 27 April 1998. The 1999 review appears to be an extension of the 1998 review: It continues the step-by-step lowering of my appraisal from above average to average to below average, even though the quality and quantity of my work remains as high as ever. Here are the examples:

1. The 1999 review states that I edited 13.5 articles for the Physics Today issues of March 1998 – September 1999. In fact I edited the equivalent of at least 17 articles for those issues: Goldstein, Sullivan, Barth, another article by Goldstein, Ramaty, De Kee, Busch-Vishniac, Hemley, Segev, Bering, Canfield, Vogel, Ertl, Redish, Bernholc and work for the May 1998 special issue amounting to the equivalent of at least two articles. The huge amount of extra work that I did for that special issue was clear to you and to everyone else at the time. I worked day and night to meet the deadline, and you even gave me the AIP "Pat on the Back" award for my "extra effort" and "outstanding performance." (See the attached pages for a copy of the award.) But my 1999 performance review rewrites history to re-estimate the amount of work that I did as the equivalent of editing one-half of an article.

I always work ahead, of course, as magazine work requires, and so I have edited an 18th article (by Clifford Will) during the stated review period (February 1998 – August 1999). However, this article will not be published in the issues counted for my 1999 review (March 1998 – September 1999), and so should not be counted for that review, even though I did the work during that period. Except for my 1998 review, that is how the accounting has been done

on my performance reviews for 17 years, and that is how it should continue to be done unless it is changed by mutual agreement, <u>before</u> the work is done. It is unfair for you to change the accounting method at the end of the review period while you are writing the review, as you did in my 1998 review (see page 4 of my memo of 27 April 1998) and as you did again in my 1999 review, when you reverted back to the long-standing method. Each of these self-serving changes reduced the number of articles credited to me on my 1999 review. The consistent and fair bottom line for my 1999 review is 17 articles, not 18 — and certainly not "13.5."

- 2. Similarly, it is unfair for you to change my job description after I have done the work. Since 25 August 1997 my three areas of work have been weighted at 70%, 25% and 5% (see your written statement of 25 August 1997, a copy of which is in the addenda of my memo of 27 April 1998.) You altered those percentages while you were writing my 1999 review to 80%, 15% and 5%, lowering my rating. I am particularly surprised that you did that, because I thought you had promised a more above-board management style after I objected to an earlier (19 August 1997), similar action on your part. (For a description of that action, see page 3 of my memo of 2 September 1997, a copy of which is in the addenda of my memo of 27 April 1998.)
- 3. Your description of the way the work on the May 1998 special issue was organized is incorrect. The editors were told to excerpt "the best of Physics Today" for that issue, and in the decade assigned to me and my partner, that material happened to center on political issues. The staff was not, in fact, required to divide the work along "physics" and "political" lines as you suggest. One pair of staff members, for example, simply divided their decade in half, with each person excerpting the best material from a five-year period. Contrary to what the review says, I did not rebuff or work less than respectfully and collegially with other staff members. In fact, I implemented my partner's suggestions, making major changes in the 8-page section to do so. My partner did not quit as you claim. Your characterization of my work with my partner is an incorrect speculation, a self-serving assumption about what might have happened. If you doubt the accuracy of anything that I have said in this paragraph, you need only ask the staff members to whom I have referred.
- 4. Contrary to your assertion, I did give you my response to my 1998 performance review. I did so verbally and we discussed it at length. You then consulted with Charles Harris about my request to correct errors in the review, and you refused to do so. I then appealed to Theresa Braun, AIP Director of Human Resources, and James Stith, AIP Director of Physics Programs. Contrary to your claim, there was nothing surreptitious about my not directing that appeal to you or about the fact that others may have seen my appeal. I had already made the appeal to you and had already discussed the issues with you.

These are just a few of the many inaccuracies in my 1999 performance review. They add to the evidently yet-uncorrected inaccuracies in my 1998 review, which should be made to conform to the written record promptly.

Finally, it is discouraging to see that it "seems" to you that I have acted to worsen the staff's morale problems, lower-than-desired respect for management and deficient cohesiveness. This speculation is way off the mark and suggests that you are looking in the wrong place to solve these very serious problems, to the detriment of the staff and the physics community.

We appreciate your outstanding performance.

Sterre Cel



# INTER - OFFICE MEMORANDUM

May 21, 1998

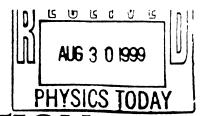
I<u>, Jeffrey Schmidt</u>, hereby acknowledge receipt of a cash "Pat on the Back" award in the amount of \$100. I understand that my year-end pay will reflect a "gross up" of this award.

Jeffrey Schmidt DATE









# GRAVITATIONAL RADIATION AND THE VALIDITY OF GENERAL RELATIVITY

Observing the speed, polarization, and back influence of gravitational waves would subject Einstein's theory to new tests.

Clifford M. Will

While the detection of gravitational radiation may usher in a new era of "gravitational wave" astronomy (see the accompanying article by Barry Barish and Rainer Weiss, on page 44), it should also yield new and interesting tests of Einstein's general theory of relativity, especially in the radiative and strong-field regimes. Consequently, we are in an unusual situation. After all, we rarely think of electromagnetic astronomy as providing tests of Maxwell's theory. Neutrino astronomy may be a closer cousin: We can observe neutrinos to learn about the solar interior or about supernovae, while also checking such fundamental phenomena as neutrino oscillations. To some extent, the usefulness of astronomical observations in testing fundamental theory depends upon how well tested the theory is already. At the same time, since general relativity is the basis for virtually all discussion of gravitational-wave detectors and sources, the extent of its "upfront" validity is of some concern to us.

Although the empirical support for the theory of general relativity is very strong, it is still not as solid as the support for Maxwell's theory, and only in the last 35 years or so have precise tests been feasible. Furthermore, general relativity has not been tested deeply either in its radiative regime or in the regime of strong gravitational fields, such as those associated with black holes or neutron stars. (See figure 1.) Most tests, such as those carried out in the Solar System, check the theory only in its weakfield, slow-motion, nonradiative limit. One famous exception, the Hulse-Taylor binary pulsar, does provide an important verification of the lowest-order radiative predictions of general relativity and is sensitive to some strong-field aspects. Still, important tests of gravitational radiation and its properties remain undone. Furthermore, interesting, well-motivated alternative theories to general relativity still exist that are in agreement with all observations to date. Gravitational-wave tests will remain of interest to us to the extent that they can further constrain the theoretical possibilities.

There are three aspects of gravitational radiation that can be subjected to testing:

The polarization content of the waves (general relativity predicts only two polarization states, whereas other theories predict as many as six).

CLIFFORD WILL (cmw@wuphys.wustl.edu) is chair of the physics department, and a member of the McDonnell Center for the Space Sciences, at Washington University in St. Louis, Missouri.

Derivative The speed of the waves (general relativity predicts a speed the same as that of light, whereas other theories predict different speeds).

Derivative The back influence of the emitted radiation on the evolution of the source.

In this article, we discuss the three possibilities. First. though, we review the current status of tests of general relativity.2.3

# The Einstein equivalence principle

At the heart of gravitational theory is a concept called the Einstein equivalence principle, which modernizes Newton's postulate of the equivalence of gravitational and inertial mass. It states first, that bodies fall with the same acceleration regardless of their internal structure or composition (this piece of the Einstein equivalence principle is called the weak equivalence principle), and second, that the outcome of any local nongravitational experiment is both independent of the velocity of the free-falling reference frame in which it is performed (local Lorentz invariance) and independent of where and when in the universe it is performed (local position invariance).

The Einstein principle implies that gravitation must be described by a theory in which matter responds only to the geometry of spacetime. Such theories are called metric theories. General relativity is a metric theory of gravity. but so are many others, including the "scalar-tensor" theory of Carl Brans and Robert Dicke, a theory based on earlier work by Paul Jordan. Strangely enough, string theory—a leading contender for a unified theory of particle interactions and for a quantum theory of gravity-does not strictly satisfy the metric theory definition. In string theory, matter can respond weakly to gravitation-like fields, in addition to responding to geometry. Consequently, testing the Einstein equivalence principle is a way to search for new physics beyond standard metric gravity.

To test the weak equivalence principle, we can compare the accelerations  $a_1$  and  $a_2$  of two bodies of different composition in an external gravitational field. The resulting measurements will yield the difference in acceleration divided by the average acceleration,  $2|a_1-a_2|/|a_1+a_2|$ , called the Eötvös ratio after Roland, Baron Eötvös of Vásárosnamény, whose pioneering tests of the weak equivalence principle at the turn of the century formed a foundation for general relativity.

The best test so far of the weak equivalence principle has been a series of experiments carried out at the

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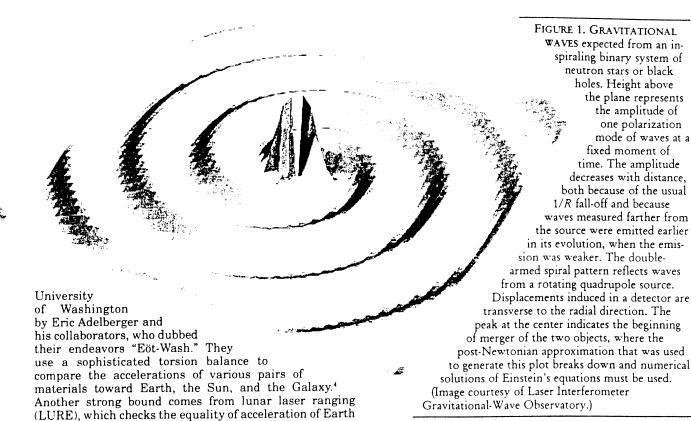
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To test the weak equivalence principle, we can compare the accelerations  $a_1$  and  $a_2$  of two bodies of different composition in an external gravitational field. The resulting measurements will yield the difference in acceleration divided by the average acceleration,  $2|a_1 - a_2|/|a_1 + a_2|$ , called the Eötvös ratio after Roland, Baron Eötvös of Vásárosnamény, whose pioneering tests of the weak equivalence principle at the turn of the century formed a foundation for general relativity.

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TODAY, May 1996, page 26.) The best tests of local Lorentz invariance consist of "clock anisotropy" experiments. Latter-day versions of the classic 1887 experiments of Albert Michelson and Edward Morley, they involve looking for variations in the rates of clocks as their orientation changes with respect to Earth's 350 km/s velocity relative to the cosmic microwave background radiation. The frame of that background would be a preferred rest frame for physics if local Lorentz invariance were violated. In the Michelson-Morley experiments, the "clocks" being compared were those defined by light propagation along the two perpendicular arms of their interferometer. The modern versions of the experiments, which use laser-cooled trapped-atom techniques to compare the transition rates of atoms as a function of their orientation, have placed exquisite bounds—as tight as parts in 1026—on anomalies. (For further discussion, see the article by Mark P. Haugan and Clifford M. Will, "Modern Tests of Special Relativity," PHYSICS TODAY, May 1987, page 69.)

and the Moon toward the Sun. Figure 2 summarizes key

results. (See the article by Kenneth Nordtvedt, PHYSICS

Local position invariance requires, among other things, that the internal binding energies of all atoms be independent of location in space and time, when measured against some standard atom. If that requirement is fulfilled, an intercomparison of the rates of two kinds of clocks should be independent of time and of the local gravitational potential, and the measured frequency shift between two identical clocks at different locations should be directly related to the difference in gravitational potential between the locations. The best clock anisotropy test to date has been the redshift experiment done in 1976 by Robert Vessot and Martine Levine of the Harvard Center for Astrophysics, in which they compared a hydrogen maser clock on a Scout rocket with another hydrogen maser clock on the ground.

maser clock on the ground.

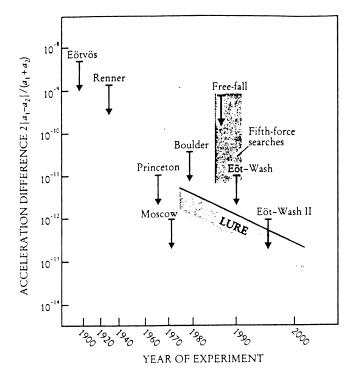
# Metric gravity and the post-Newtonian limit

In metric theories of gravity, the slow-motion, weak-field limit that incorporates the first corrections beyond

Newtonian theory is called the post-Newtonian limit. Within this limit, it turns out that for a broad class of metric theories, only the numerical values of a certain set of coefficients in the spacetime metric vary from theory to theory. This framework, called the parametrized post-Newtonian (PPN) formalism, dates back to Arthur S. Eddington's 1922 textbook on general relativity; between 1968 and 1972, it was extended by Kenneth Nordtvedt Jr of Montana State University and the author. PPN formalism is a convenient tool for classifying alternative metric theories of gravity, for interpreting the results of experiments, and for suggesting new tests of metric gravity.

PPN formalism has ten parameters. For this discussion, the most important are  $\gamma$ , which is related to the amount of spatial curvature generated by mass;  $\beta$ , which is related to the degree of nonlinearity in the gravitational field; and the four parameters  $\xi$ ,  $\alpha_1$ ,  $\alpha_2$ , and  $\alpha_3$ , which determine whether gravity itself violates a form of local position invariance or local Lorentz invariance. The combination  $(1 + \gamma)/2$  governs both the deflection of light and a retardation in the propagation of light near a massive body (a retardation known as the Shapiro time delay, named for Irwin I. Shapiro of Harvard University). The "1/2" part of the coefficient corresponds to the so-called Newtonian deflection, which was derived two centuries ago by Henry Cavendish and later by Johann von Soldner. (It can also be derived by using the principle of equivalence.) The " $\gamma/2$ " part comes directly from the warping of space near the massive body. The combination  $(2 + 2\gamma - \beta)/3$  modulates the advance of the perihelion of planets such as Mercury. The combination  $4\beta - \gamma$  - $3 - 10\xi/3 - \alpha_1 - 2\alpha_2/3$  determines whether there is a violation of the weak equivalence principle for self-gravitating bodies such as Earth and the Moon-a phenomenon called the Nordtvedt effect. In general relativity,  $\gamma - 1$ ,  $\beta - 1$ , and the remaining PPN parameters all vanish, as does the Nordtvedt effect.

Three decades of experiments, including the standard light-deflection and perihelion-shift tests; Lunar laser



ranging, planetary, and satellite tracking tests of the Shapiro time delay; and geophysical and astronomical observations, have placed bounds on the PPN parameters that are consistent with general relativity. The table on this page summarizes the results. To illustrate the dramatic progress of experimental gravity since the dawn of Einstein's theory, figure 3 shows a chronology of results for  $(1+\gamma)/2$ . These results range from the 1919 solar eclipse measurements of Eddington and his colleagues to modern-day measurements that use very-long-baseline radio interferometry (VLBI) and orbiting astrometric satellites such as Hipparcos to tests of the Shapiro time delay.

# The binary pulsar

The binary pulsar PSR 1913+16, discovered by Russell Hulse and Joseph Taylor in 1974, provided important new tests of general relativity, especially for gravitational radiation and strong-field gravity. By precisely timing the pul-

sar clock, astrophysicists were able to measure the important orbital parameters of the system with extraordinary precision. Those parameters included the ones normally associated with a nonrelativistic Keplerian two-body orbit, such as the eccentricity e and the orbital period  $P_{\rm b}$ , as well as relativistic parameters, such as the rate of advance of the periastron (the binary system analog of the perihelion), the combined effects of time-dilation and gravitational redshift on the observed rate of the pulsar, and the rate of decrease of the orbital period. The rate-of-decrease effect is a result of gravitational radiation damping; measuring it requires making a small correction for the effect of the galaxy's rotation on the distance to the pulsar (other possible sources of orbital damping, such as tidal friction, have been shown to be negligible).

If we assume that general relativ-

FIGURE 2. EÖTVÖS EXPERIMENTS. Selected tests of the weak equivalence principle are represented here by the bounds they set on the fractional difference in acceleration of different materials or bodies. The original purpose of the "free-fall" and Eöt-Wash experiments, as well as that of numerous others between 1986 and 1990, was to search for a fifth force. The diagonal line with shading shows current and potential bounds on the weak equivalence principle for Earth and the Moon from lunar laser ranging (LURE).

ity is provisionally correct and make the reasonable assumption that both objects are neutron stars, then all three relativistic effects depend on the eccentricity and orbital period (which are measured directly) and on the two stellar masses (which are not), and on nothing else. By combining the observations with the predictions of general relativity, we obtain simultaneously a measurement of the two masses and a test of general relativity, because the system is overdetermined. The masses turn out to be 1.4411 and 1.3873 solar masses for the pulsar and its companion, respectively, with an uncertainty of less than 0.05%. The predicted decrease of the orbital period owing to gravitational radiation damping agrees with the observed decrease to better than 0.3 %. The discovery of the binary pulsar garnered Hulse and Taylor the 1993 Nobel Prize in Physics.<sup>5</sup> Other binary pulsars, such as B1534+12, B2127+11C, and B1855+09, are also yielding interesting relativistic tests.6

Binary pulsar measurements also test the strong-field aspects of general relativity, because the neutron stars that make up the systems have very strong internal gravity, which contributes as much as several tenths of the mass-energy of each body at rest (compared to the orbital energy, which is only 10-6 of the system's mass-energy). In alternative theories, such as scalar-tensor gravity, the internal self-gravity effects can lead to qualitatively new phenomena, such as the emission of dipole gravitational radiation, whose damping effect on the orbit can be significantly different from that of the usual quadrupole radiation of general relativity. No such effects induced by internal energy occur in general relativity.

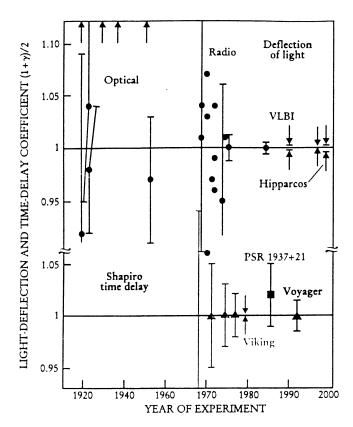
### The return of scalar-tensor gravity

Among the alternative metric theories of gravity,

# Current limits on the parameters of post-Newtonian gravity

Parameter	Upper limit on its absolute value	Observable effect	How tested
γ-1	{ 3×10 <sup>-1</sup>	Light deflection	Very-long-baseline radio interferometry (VLBI)
, .	2×10 <sup>-3</sup>	Shapiro time delay	Mars radar ranging
β-1	3×10 <sup>-3</sup>	Perihelion shift of Mercury	Planetary radar ranging
ξ	10 <sup>-3</sup>	Anisotropy in gravity induced by distant matter	Gravimeter bounds on anomalies in Earth tides
$\alpha_1$	4×10 <sup>-4</sup>	Anisotropy in gravity due to motion through universe	Lunar laser ranging
$\alpha_2$	4×10 <sup>-7</sup>	Precession of spin of body moving through universe	Solar spin alignment in relation to ecliptic plane
$\alpha_3$	2×10 <sup>-20</sup>	"Self" acceleration of spinning body moving through universe	No anomalies in pulsar P
η	10 <sup>-3</sup>	Violation of equivalence principle for massive bodies (Nordtvedt effect)	Lunar laser ranging

In terms of the six parametrized post-Newtonian parameters discussed in the text,  $\eta = 4\beta - \gamma - 3 - 10\xi/3 - \alpha_1 - 2\alpha_2/3$ All parameters listed vanish identically according to general relativity.



scalar-tensor theories have played a special role. The most famous of the theories was the one developed and promoted in the 1960s by Brans and Dicke. In addition to the spacetime geometry described by a metric,  $g_{uv}$ , scalar-tensor theories postulate a scalar field Φ, that, in a standard representation, couples only to gravity itself, not to matter, thereby satisfying the requirements of metric gravity automatically. The "strength" of the scalar field is determined by a coupling constant  $\omega$  such that the larger the value of  $\omega$ , the weaker the scalar field. In the large  $\omega$ limit, Brans-Dicke theory merges smoothly with general relativity, in that the differences between the two theories in all predictions vanish roughly as  $1/\omega$ . But because measurements of the deflection of light described above place the lower bound on  $\omega$  at greater than 3000, Brans-Dicke theory has generally been regarded as all but dead.

During the past decade, however, new mutant strains of scalar-tensor gravity have emerged, their formulation motivated by string theory and by some models of inflationary cosmology, although they were studied in other contexts as early as 1968. In the new theories, the coupling  $\omega$  is not a fixed constant but is a function of the scalar field  $\Phi$ . So the theories can agree with experiment in the present Solar System—when  $\Phi$  has values such that  $\omega(\Phi) > 3000$ —but may be very different from general relativity in the early universe, or in strong-field regimes such as neutron star interiors. In typical cosmological models, the scalar field evolves in such a way that  $\omega(\Phi)$  is driven naturally to large (though finite) values in the present epoch, independently of its value in the early universe. In a sense, general relativity is a cosmological "attractor" for such theories. The fact that the present value of  $\omega$  in some models could be as small as 104, suggests interesting and reachable goals for future experiments. Not only that, but as noted earlier, some string-inspired theories introduce direct weak couplings between matter and the scalar

FIGURE 3. DEFLECTION AND DELAY OF LIGHT passing near the Sun. Plotted are values of the coefficient  $(1+\gamma)/2$  based on observations of the deflection of light and of the Shapiro delay in the propagation of radio signals near the Sun (y is a measure of the amount of spatial curvature generated by mass). General relativity predicts a value of unity for the coefficient. "Optical" denotes measurements of stellar deflection made during solar eclipses. "Radio" denotes interferometric measurements of radio-wave deflection. "VLBI" denotes very-long-baseline radio interferometry. "Hipparcos" denotes the optical astrometry satellite. Arrows indicate the anomalously large values from one of the 1919 eclipse expeditions and from other eclipse expeditions through 1947. Shapiro time-delay measurements with the Viking spacecraft on Mars yielded tests at the 0.1% level, and light-deflection measurements using VLBI have reached 0.03%.

field—and by doing that, can violate the Einstein equivalence principle.3

# Future experimental tests

Much of the discussion about future gravitational experiments focuses on ways to test these new versions of scalar-tensor gravity, in the hope of limiting or discovering new physics that might arise from strings or other models of unification. The following are four promising avenues of experimental work.

▷ In addition to improved ground-based Eötvös-type experiments, which could test the weak equivalence principle to the level of 10-14, a proposed satellite test could reach the level of 10<sup>-18</sup>.

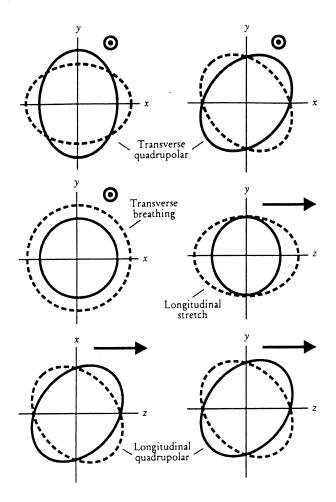
 ▷ The Stanford–Lockheed–NASA Gyroscope Experiment, called Gravity Probe B, will measure the precession of an array of gyroscopes in Earth orbit. Although its primary science goal is a 1% measurement of the dragging of inertial frames that is caused by Earth's rotation (also called the Lense-Thirring effect), Gravity Probe B will also measure the precession caused by ordinary space curvature around the planet. Measurement of this effect could bound the coupling  $\omega$  to 10<sup>4</sup> or higher. Launch of the mission is scheduled for late 2000.7

Dinary pulsars could yield bounds on scalar-tensor gravity, because that theory predicts dipole gravitational radiation. Unfortunately, the bound from the Hulse-Taylor system is only  $\omega > 100$ , because the near identity of the two neutron stars suppresses dipole radiation by symmetry. A suitable asymmetric system containing a black hole or a white dwarf as the pulsar's companion could yield bounds on  $\omega$  as high as 104.

 ▷ Tests of the force of gravity at submillimeter ranges are being designed that could detect or bound new gravitationlike nonmetric couplings.

#### Gravitational-wave tests of gravitation theory

What could the direct observation of gravitational waves add to the list of tests and bounds? First, detection of the waves would in and of itself be a striking confirmation of general relativity, despite the fact that their existence is strongly supported by the binary pulsar. Here the situation is reminiscent of the case of neutrinos: the direct detection of neutrinos by Frederick Reines and Clyde Cowan in 1956 was an impressive discovery (worthy of the 1995 Nobel Prize in Physics) despite the preexisting confidence in their reality that beta decay engendered. Second, direct study of gravitational waves will check their properties as predicted by general relativity—properties that are only indirectly reflected in the damping of binary pulsar orbits. Third, gravitational waves are likely to carry the imprints of strong-gravity phenomena at the sources-



and study of those imprints could lead to tests of general relativity in the strong-field regime.

Polarization of gravitational waves. A laser-interferometric or resonant-bar gravitational-wave detector measures local relative displacements of mirrors or mechanical elements, which can be related to a symmetric  $3 \times 3$  strain tensor. The tensor, in turn, can be related directly to components of the Riemann curvature tensor of spacetime generated by the wave. The six independent components of the strain tensor can be expressed in terms of polarizations, which are modes of motion with specific transformation properties under rotations and boosts. Three are transverse to the direction of propagation, with two representing quadrupolar deformations and one representing a monopole "breathing" deformation. The other three are longitudinal, with one being an axially symmetric stretching mode in the propagation direction and the remaining two being quadrupolar (see figure 4).

General relativity predicts only the first two transverse quadrupolar modes, independently of the source; this behavior goes hand in hand with the notion that, at a quantum level, gravitational waves are associated with a spin-2 particle, the graviton. Scalar-tensor theories also predict the transverse breathing mode, a spin-0 mode. More general metric theories predict up to the full complement of six modes. A suitable array of gravitational antennas could delineate or limit the number of modes present in a given wave. If evidence were found of any mode other than the two transverse quadrupolar modes of general relativity, the result would be disastrous for the theory. On the other hand, the absence of a breathing mode would not necessarily rule out scalar-tensor gravity, because the strength of that mode relative to the quadrupo-

FIGURE 4. SIX POLARIZATION MODES for gravitational waves permitted in any metric theory of gravity. Shown is the displacement that each mode induces on a ring of test particles at 0° and 180° phase. The wave propagates in the +z direction. In the three transverse modes, the wave propagates out of the plane; in the three longitudinal modes, the wave propagates in the plane. There is no displacement out of the plane of the picture. In general relativity, only the two transverse quadrupolar modes are present; in scalar-tensor gravity, the transverse breathing mode may also be present.

lar modes will depend on the nature of the source.

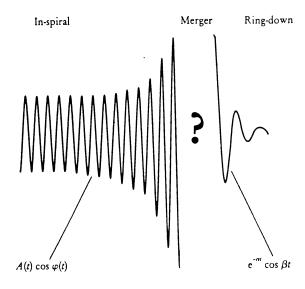
Speed of gravitational waves. According to general relativity (and scalar-tensor gravity, as it happens), in the limit wherein the wavelength of gravitational waves is small in comparison to the radius of curvature of the background spacetime, the waves propagate along null geodesics of the background spacetime. In other words, they have precisely the same speed, c, as light propagating through the same region would.

One circumstance in which the speed  $v_{\pi}$  of gravitational waves could differ from c would be if gravitation were propagated by a massive field (a massive graviton), in which case the value of  $v_e$  would depend on the gravitational wavelength  $\lambda$  according to  $v_{\rho}^{2}/c^{2} = 1 - \lambda^{2}/\lambda_{\rho}^{2}$ , where  $\lambda_{g} = h/m_{g}c$  is the graviton Compton wavelength.

The most obvious way to check the speed of gravitational waves is to compare the arrival times of a gravitational wave and an electromagnetic wave from a single event, such as a supernova. For a source at a distance of 200 megaparsecs, a bound on the arrival time difference between electromagnetic and gravitational signals of one second would put a bound of  $5 \times 10^{-17}$  on a fractional speeddifference. This scenario assumes, of course, that the source emits both gravitational and electromagnetic radiation in detectable amounts and that the relative time of emission can either be established to sufficient accuracy or be shown to be sufficiently small.

There is a situation, however, in which a bound on a hypothetical wavelength-dependent speed could be set by means of gravitational radiation alone. That is the case of an in-spiraling compact binary system containing neutron stars or black holes, a system that would be observed by laser interferometers such as the Laser Interferometer Gravitational-Wave Observatory (LIGO, discussed in the next article, by Barish and Weiss) and the instrument known as VIRGO. In in-spiraling compact binary systems, gravitational-radiation damping drives the binary toward smaller separations and higher orbital frequencies, a process leading eventually to a catastrophic merger. Gravitational waves from the last few minutes of those inspiraling systems will sweep through the sensitive bandwidth of LIGO/VIRGO detectors (10 to 500 Hz). We'll detect the radiation many years after the system "died." Because the frequency of the gravitational radiation sweeps from low frequency at the first moment of observation to higher frequency at the final moment, the speed of the waves emitted will vary from lower speeds at first to higher speeds (closer to c) at the end. The variation in speed will cause discernible distortion in the observed phasing of the waves. Even better tests of a wavelengthdependent speed could be obtained by observing supermassive in-spiraling double black hole systems (104 to 107 solar masses) in the centers of active galaxies by means of proposed space-based laser interferometric observatories8 in the low-frequency band around 10<sup>-3</sup> Hz.

Gravitational radiation back reaction. Binary orbits inevitably decay, because of the loss of gravitational



radiation energy. It is predicted that the Hulse-Taylor binary pulsar will reach a final in-spiral and merger in 240 million years. During the in-spiral phase, the motion of two compact bodies (neutron stars or black holes) can be described accurately by equations that treat Newtonian motion as the first approximation and include post-Newtonian corrections in increasing powers of v/c, where v is the orbital speed. The corrections include radiation back reaction. The evolution of the orbit is imprinted on the phasing of the emitted waveform, to which broadband laser interferometers are especially sensitive, because the data can be cross-correlated against theoretical templates derived from general relativity. Indeed, the sensitivity of the interferometers is expected to be so high that the equations of motion describing the orbit must be accurate to order  $(v/c)^{11}$  beyond ordinary Newtonian gravity. Several groups are now engaged in the formidable task of deriving equations of motion from general relativity to that high order.9

This extraordinary accuracy will provide an opportunity to conduct further tests of general relativity. When spins and tidal effects can be ignored, the motion depends only on the two masses. As in the case of the binary pulsar, measuring the various post-Newtonian correction terms in the signal leads to a highly overdetermined situation, in which we can measure the two masses accurately, and simultaneously test general relativity. One additional test, for example, arises from a contribution—to the gravitational-wave signal and to the back reactionknown as the tail. The tail is a fundamentally nonlinear gravitational effect caused by backscattering of the outgoing gravitational waves off the local spacetime curvature generated by the binary system itself. The action of the tail results in a unique and expected contribution to the phasing of the waves, one that can be tested.

Scalar-tensor gravity can also be tested by means of such observations. The generation of dipole gravitational radiation by an asymmetric binary (for technical reasons, a binary consisting of a neutron star and a black hole is best) modifies the gravitational-radiation back reaction and the observed phasing of the waves. The fortuitous discovery of such a system could lead to a bound on the scalar-tensor coupling constant  $\omega$  that exceeds current Solar System bounds.

# Testing general relativity at strong fields

Finally, the in-spiraling and merger of two compact

FIGURE 5. GRAVITATIONAL WAVEFORM expected from compact binary in-spiral, merger, and ringdown of a final black hole. During the in-spiral phase, a post-Newtonian approximation carried to high powers of v/c beyond Newtonian order accurately describes the orbit and waveform, with amplitude A(t) and phase  $\varphi(t)$  that evolve nonlinearly with time. The merger waveform is unknown at present; to determine it is the primary goal of numerical relativity. The ring-down waveform is a superposition of damped normal modes. For each mode, the damping coefficient  $\alpha$  and frequency  $\beta$  have been thoroughly calculated by means of perturbation theory and have been cataloged as functions of the mass and spin of the black hole.

objects, or the core collapse in a supernova, involve the physics of spacetime curvature in the limit of strong, highly dynamical fields, as well as the formation and evolution of black hole event horizons. Although this physics is so complex that quantitatively precise tests of general relativity are not likely to be realized, making qualitatively striking tests may nevertheless be possible. For example, the gravitational-wave signal generated by the in-spiraling and merger of two compact objects to form a black hole, and the waves emitted during the ring-down of the final black hole in its discrete set of normal modes, will be imprinted with the masses and spins of the in-spiraling objects and the mass and angular momentum of the final black hole. The signal will reflect dynamical, strong-field general relativity in its full glory (see figure 5). Finding firm predictions for the waves to compare the observations against requires solving Einstein's equations in a regime in which post-Newtonian methods fail. Only large-scale numerical computation has a hope of yielding reliable results. This challenging task has been taken up by many "numerical relativity" groups around the world. 10 The discovery and study of the formation of a black hole by means of gravitational waves would provide a stunning test of relativistic gravity.

I have adapted this article from a talk I gave at the April 1998 meeting of the American Physical Society. My work is supported in part by the National Science Foundation.

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- See the following articles in Marck and Lasota: E. Müller, p. 273; K. Oohara, T. Nakamura, p. 309; E. Seidel, W.-M. Suen, p. 335; S. Bonazzola, E. Gourgoulhon, J.-A. Marck, p. 257.

From:

Stephen Benka Jeff Schmidt

To: Date:

8/19/99 7:09pm

Subject:

First thoughts on your response to the review

Jeff,

Because you didn't have time to discuss your response to your review when you gave it to me, here are my initial thoughts on the inaccuracies that you perceive. Let's discuss this further as soon as possible.

Your example #1: You neglected to mention that, initially, you had wanted to count Goldstein as one long article, not two. However, because you had completed Goldstein within the previous review cycle, and because you were two full articles short of your already reduced (because of your cancelled paternity leave) production goal for last year, we counted them as two and included them in that cycle. This ensured that you would receive an "acceptable" rating, which was clearly in your best interest.

Each editor who worked on decadal excerpts for the anniversary issue did the equivalent of one full article's work in his or her decade. There would be no reason to count yours otherwise, except that your work on your decade had to be largely redone by someone else.

As of today, to my knowledge, the Will article is not yet completed. If it were, I would count it as an article completed within this review period.

Your example #2: You are right that I should have discussed the change of weights with you. I apologize for not having done so. Let's discuss and agree on your job description as soon as possible.

Your example #3: My description is accurate.

Your example #4: Your appeal to Charles Harris, Theresa Braun, and James Stith was the proper procedure to follow. However, as we discussed earlier today (and at other times), your surreptitious circulation of your response to the staff was entirely inappropriate.

I still would like you to tell me which member or members of the staff you have discussed this year's review with.

--Steve

Notes: #of pages[editor's initials, day closed ("minus" is good)]article author

1997 71/2[JS-2]Collins, 61/2[JS-6]Weart January 7[JS-1]Wheelon February ------REVIEW PERIOD -----6[JS-7]Sales March 7[JS-1]Ferguson, 71/2[JS-1]Crabtree April May 71/2[JS-4]Crowley, 61/2[JS-2]North June 5[JS-2]Parsegian, 7[JS-5]Harris July August 61/2[JS-4]Soulen September 6[JS-9]Libicki 7[JS-5]Perl October November 6[JS-7]Ross, 6[JS-7]Riordan December 1998 7[JS-0]Mourou January February ------REVIEW PERIOD -----(18 articles required)------{5[JS-8]GoldsteinI, counted in previous 6[JS-0]Sullivan, 6[JS-0]Barth, March review period} ( {5[JS-8]GoldsteinII, counted in previous review period} 6[JS-0]Ramaty, April 8x5decades=40[all+3] Jeff gets 1/2 credit for one decade May 6[JS-2]Dekee June July 61/2[JS-2]Busch-Vishniac 61/2[JS-7]Segev, 7[JS-1]Hemley August September 61/2[JS-8]Bering, 61/2[JS-1]Canfield October 5.5[JS-3]Vogel November December 1999 6.5[JS-1]Redish, 6.5[JS-8]Ertl January February September 6[JS-7]Bernholc ------REVIEW PERIOD -----October Will

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OF COUNSEL: Margo E. Manspeizer, DC, MD

July 16, 2002

# VIA OVERNIGHT DELIVERY

Samuel N. Fontaine Chairperson Prince George's County Human Relations Commission 1400 McCormick Drive, Suite 245 Largo, MD 20774

Dear Mr. Fontaine:

Please find enclosed a copy of Mr. Jeff Schmidt's request to reconsider the letter of determination, dated June 17, 2002. We are transmitting a copy to you directly in an effort to fully preserve Mr. Schmidt's appeal rights with respect to that determination. The exhibits that are referenced in the attached letter have been transmitted directly to Mr. Welch.

Please do not hesitate to call if you have any questions.

Respectfully submitted,

FINKELSTEIN & HORVITZ, P.C.

Laurie B. Horvitz, Esq.

Nathan I. Finkelstein, Esq.

Attorneys for Complainant, Jeff Schmidt 7315 Wisconsin Ave., Suite 400 East

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Enclosures cc: William Welch

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# VIA OVERNIGHT DELIVERY

July 16, 2002

William A. Welch, Sr., Ed.D. Executive Director Prince George's County HUMAN RELATIONS COMMISSION 1400 McCormick Drive, Suite 245 Largo, Maryland 20774

Re: Schmidt v. The American Institute of Physics

Dear Dr. Welch:

This letter is submitted on behalf of Jeff Schmidt. He is seeking reconsideration of a determination that was rendered on June 17, 2002. For the reasons set forth below, Mr. Schmidt asks the Commission to reopen his case and consider additional evidence.

# I. Introduction

On June, 17, 2002, the Prince George's County Commission on Human Relations issued a letter of determination in the case <u>Schmidt v. American Institute of Physics.</u> In that case, Jeff Schmidt ("Schmidt") alleges that his former employer, the American

Institute of Physics ("Company"), retaliated against him for challenging the Company's failure to adhere to Equal Employment Opportunity employment practices in violation of Title VII. Upon review, the Commission found that there was insufficient evidence to support Schmidt's allegations that the Company retaliated against him in the terms, conditions, privileges and termination of his employment. However, a proper and careful consideration of the evidence establishes that Schmidt successfully established a prima facie case of Title VII violations that the Company failed to rebut. Furthermore, in light of new evidence that will be introduced herein, as well as the public policy underlying Title VII, the Company clearly should be held liable for unlawful retaliatory conduct. Based on the evidence presented previously and herein, this case should be reopened.

Schmidt is a white male who had worked for 19 years as a staff editor at *Physics Today* magazine, a Company publication, before his employment was terminated on May 31, 2000. While employed at *Physics Today*, Schmidt actively challenged the Company's all-white employment practices at the professional level. Schmidt organized with other employees of the Company to form a coalition of employees who disagreed with what they considered to be discriminatory employment practices. By far, Schmidt was the most outspoken member of this group. In fact, on November 5, 1997, Schmidt took the initiative to file an internal Title VII based complaint, even though Schmidt himself is not a member of any protected class. Schmidt alleges that following this action, the Company retaliated against him in a number of ways that adversely affected his employment, and that finally resulted in the termination of his employment on May 31,

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<sup>&</sup>lt;sup>1</sup>Since *Physics Today* relocated to College Park, Maryland, in 1993, it has hired exclusively white professionals.

2000.

The law as stated in the Commission's letter of determination is as follows: In a Title VII claim of retaliation under Sec. 704 (a), the Commission must first establish that the charging party either opposed an unlawful practice or participated in the investigation of the same. The Commission must establish that the Respondent had knowledge that the charging party engaged in the protected activity. As the Commission correctly noted in its letter, this burden was satisfied when Schmidt filed an internal Title VII complaint on November 5, 1997. Furthermore, Schmidt openly challenged the Company's failure to interview or hire minority candidates on numerous occasions, and openly organized with co-workers on this issue. The Company was well aware of these activities. In addition to the Title VII complaint, Schmidt's activities included the following:

- (1) on October 4, 1996, Schmidt complained to the *Physics Today* advisory committee about unjustified salary differentials between the one minority professional and the white professionals;
- on November 15, 1996, Schmidt led the effort by a few staff members to request in writing that the company change its hiring practices to "increase diversity of *Physics Today* staff";
- (3) on November 26 and 27, 1996, Schmidt and a co-worker successfully pressured the company into sending a job-opening announcement to minority group organizations and gave the entire *Physics Today* staff a progress report;
- (4) in April 1997, at a *Physics Today* staff meeting, Schmidt argued strongly that promising minority applicants should be interviewed for an open position; *Physics Today* publisher Charles Harris and Editor Stephen G. Benka said no;
- on October 17, 1997, Schmidt met with the *Physics Today* advisory committee and objected to the magazine's discriminatory employment practices and failure to live up to its claim that it is an affirmative action employer;
- (6) on November 7, 1997, Schmidt suggested to American Institute of Physics Executive Director and Chief Executive Officer Marc H. Brodsky that Brodsky speak with the only minority group member of the *Physics Today* staff about discrimination at the magazine (Brodsky failed to do so);
- (7) on March 20, 1998, Schmidt met with Mr. Brodsky and pressed him to conduct the equal opportunity staff training that he had promised (Brodsky failed to do so); and

(8) on April 27, 1998, Schmidt circulated to 12 co-workers a memo, the largest section of which detailed the company's resistance to equal opportunity. (See the chronology entries for these dates.)

Thus Schmidt engaged in extensive activism in furtherance of Title VII policies.

The law also states that there must have been an adverse action taken against the charging party in close proximity to the time the charging party engaged in the protected activity. Again, the Commission correctly found that this burden had been satisfied when Schmidt was terminated on May 31, 2000. Furthermore, the Company acted adversely against Schmidt and his co-workers on many other occasions. In one example, Schmidt's supervisor insisted on being included in Schmidt's private conversations with his co-workers, and stated, as his reason, that he wished to prevent any further organizing by Schmidt. The Company was made aware at the executive level of the manager's statement, and did nothing in response. Schmidt informed Company executives both verbally and in writing of his belief that the Company was banning his private conversations with co-workers. In no way did the Company dispute Schmidt's understanding of the Company's policies. Therefore, the Company ratified and approved the ban on Schmidt's private conversations with co-workers. This conduct clearly sent a message to Schmidt's co-workers that challenging the Company's employment practices was actively discouraged by the Company. Other co-workers who took issue with the employment practices felt hostility and pressure to an extent that caused them to leave the Company. This is further evidence of the Company's unlawful activity.

The Company also acted adversely toward Schmidt by penalizing him through his performance reviews. Significantly, two such reviews prevented Schmidt from obtaining the salary increase that he had reasonably expected. This constituted retaliatory

conduct by the Company. Again, the Company has failed to effectively rebut the presumption of a Title VII violation. Rather, the evidence shows that any reason offered by the Company in response to this action is purely pretext.

Finally, the law states that there must be proof of a causal connection between the protected activity (filed complaint) and the adverse employment action. The Commission found that the burden was not satisfied with respect to this element. However, the evidence shows that the reason proffered by the Company to explain its conduct is clearly pretextual. A proper consideration of the evidence shows that this element has been met. Furthermore, in light of new evidence that will be presented herein, as well as a proper consideration of the public policy that underlies a Title VII claim of retaliation, this case should be re-opened and reversed in favor of Schmidt and against the Company.

The Evidence Presented Establishes a Causal Connection between Schmidt's Protected Activity and Respondent's Adverse Employment Action in Clear Violation of Title VII.

To establish unlawful retaliation, there must be proof that the Respondent took an adverse action because the charging party engaged in a protected activity. Proof of a retaliatory motive can be through direct or circumstantial evidence. A violation is established if there is circumstantial evidence raising an inference of retaliation and if the Respondent fails to produce evidence of a legitimate, non-retaliatory reason for the challenged action, or if the reason advanced by the Respondent is a pretext to hide the retaliatory motive.

Here, the Commission correctly notes in its letter of determination that the evidence establishes an inference of retaliation, in that the adverse action (termination of employment) occurred shortly after the protected activity (filing complaint) and that the Respondent was aware of the protected activity before taking the action. Therefore, the Commission recognizes that a prima facie case of unlawful retaliation with respect to Schmidt's employment has been established.

Significantly, there is an abundance of direct and circumstantial evidence that establishes that Respondent violated Title VII by retaliating against Schmidt in the terms, conditions, privileges, and termination of his employment. Accordingly, where there is an inference of retaliation, the burden shifts to the Respondent to produce evidence of a legitimate, nondiscriminatory reason for the challenged action. Respondent has failed to meet this burden.

- II. Respondent has failed to produce evidence of a legitimate, non-discriminatory reason for any of its adverse actions against Schmidt.
- A. The evidence establishes that Respondent retaliated against Schmidt in the terms, conditions and privileges of his employment.

The Ban.

Schmidt alleges that Respondent banned his private conversations with coemployees beginning on January 28, 1998. Specifically, Schmidt alleges that on two occasions on January 28, 1998, his supervisor, Stephen G. Benka interrupted him as he was speaking privately with a co-worker. In the first instance, Mr. Benka saw Schmidt in a co-worker's office, opened the door, entered the room and asked if he could join the conversation. Schmidt and his co-employee said okay. Later, when Schmidt was speaking with a co-worker by telephone, Mr. Benka interrupted and demanded to be

included in the conversation. Schmidt and his co-worker asked why; Benka announced to Schmidt that he was forbidding all private conversations between staff members at work. It is alleged that Mr. Benka announced that all future conversations between staff members had to be open to management supervision. When asked why, he said something to the effect of "I don't want anything like what happened last year to happen again." Schmidt alleges that he understood this statement to refer to the workplace organizing regarding hiring practices that had taken place the previous year in which Schmidt had played a leading role. Furthermore, the Company was aware that Schmidt understood this statement to be a reprisal for his workplace organizing. On April 27, 1998, Schmidt wrote an appeal to two executives of the Company in which he complained about the ban on his private conversations in the workplace and described in detail the announcement made by Mr. Benka. The Company failed to address this aspect of the appeal, and made no attempts to correct Schmidt's understanding that the Company's policy was intended to discourage Schmidt's workplace organizing. This action alone would create a hostile work environment sufficient to sustain an action under Title VII. Clearly, the right to engage in private conversations with co-workers is a term, condition and privilege that Schmidt and other similarly situated employees enjoyed at the workplace. Once the Company became aware that Schmidt was employing such privileges to challenge the Company's employment practices and to encourage his coworkers to do the same, the Company communicated its intention to monitor and prevent any further use of such privileges. Furthermore, Mr. Benka's policy was ratified and approved at the executive level.

Importantly, Schmidt's allegations that he was subject to retaliation because he openly challenged the Company's employment practices are supported overwhelmingly with corroborating witness testimony. Within the Commission's letter of determination alone, the following statements are cited:

- "The witness stated that Complainant in the fall of 1996 was raising issues with management concerning compliance with Respondent's Affirmative Action Plan."
- "This witness stated that he believes Complainant was affected because he was considered the ringleader."
- "Complainant started having trouble when he started questioning Respondent's adherence to its Affirmative Action."
- "This witness stated that she believes that she was not adversely affected because she was less assertive than Complainant." (Emphasis added).
- "This witness stated that at one time Complainant raised issues of affirmative action" (minorities under-represented).
- "The witness stated that a group of them were regarded as troublemakers and agitators."

The evidence overwhelmingly establishes that the message sent by this Company to its employees is intolerable and undermines the aims of the Civil Rights Act of 1964. The Company's conduct in discouraging Schmidt and others from speaking out against its employment practices is exactly what the retaliation provision of Title VII seeks to prohibit. It is rare indeed, that any employee, particularly one who does not belong to any protected class, would openly challenge an employer's failure to practice equal employment opportunity. A Company must not be permitted to so blatantly seek to silence or discourage any employee from attempting to further the aims of such an important statute as the Civil Rights Act of 1964.

S 001355

Although the facts described above sufficiently establish a prima facie case that Company retaliated against Schmidt in the terms, conditions and privileges of his employment by instituting a ban on his private conversations in the workplace, In support of this position, the Commission is encouraged to consider the following:

In its earlier determination, the Commission evidently confused two different events -- the gag order of September 26, 1997, and the ban of January 28, 1998 on Schmidt's private conversations with co-workers. Specifically, the Commission relied upon and quoted from the gag order memorandum in its finding that Schmidt was not banned from having private conversations after filing an internal Title VII based complaint. See Letter of Determination p. 7.

The Commission correctly notes that the gag order was not a ban on Schmidt's private conversations with co-workers. Rather, the gag order stated that behavior that the Company considered "destructive and counterproductive" would not be tolerated. When in context, this communication revealed the Company's complete intolerance of any comments by Schmidt regarding the treatment of persons within protected classes. its all-white employment practice as counterproductive. See, for example, the entries for April 1997 and October 17, 1997 in the chronology dated October 3, 2000, which Schmidt submitted to the Prince George's County Human Relations Commission on 21 November 2000.) As a result, Schmidt, and indeed, many other corroborating witnesses viewed the memo as a "gag order." Significantly, under pressure from staff, the Company rescinded the memo on December 2, 1997.

The ban on Schmidt's private conversations was imposed five months after the gag order was issued. Evidence of the ban is overwhelming:

- The enclosed contemporaneous letter (Exhibit B, dated 4 February 1998) from Schmidt to a co-worker on vacation describes in exhaustive detail the imposition of the ban on private conversations.
- The enclosed statements by co-workers describe the ban on private conversations. (Exhibit C, See pages 6, 7 and 8 of the 11-page document, dated May 2002, in which a human rights committee of scientists reports the findings of its investigation into Schmidt's firing. This is new material.)
- The enclosed document of dated April 27, 1998, explicitly appeals the ban to two top executives of the Company. (Exhibit D See pages 17-18 of the 57-page document of April 27,1998. This is new material.)
- Schmidt also appealed the ban orally, to one of the top executives, on June 25,1998. (See the chronology entry for that date.)
- Co-worker Paul Elliott, shortly after the ban on private conversations was imposed, appealed to *Physics Today* publisher Charles Harris to end the ban. (Harris took no action.)
- When Schmidt's supervisor learned that Schmidt had discussed a retaliatory performance review with his co-workers privately, he demanded that Schmidt name the co-workers with whom he had spoken. The co-workers did not want their names released, and their supervisor's unrelenting investigation of their private conversations with Schmidt intimidated them and served to reinforce the ban on Schmidt's private conversations with co-workers. (See record of the August 1999 "probe." This is new material.)

In light of the above evidence, the Commission erred when it found that there was never any ban on Schmidt's private conversations. That finding is not supported by the evidence and should be reversed. That ban, which remained in effect until Schmidt was dismissed, by itself warrants the issuance of a complaint and should not be tolerated by the Prince George's County Human Relations Commission.<sup>2</sup>

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<sup>&</sup>lt;sup>2</sup> On a related issue, the Commission erred in its conclusion that "some of Complainant's co-workers participated in protected activity along with Complainant, but were not adversely affected." In fact, these co-workers, -- Graham Collins, Jean Kumagai and Paul Elliott -- were not targeted individually to the same extent that Schmidt was, but they were adversely affected by the repressive workplace atmosphere that the Company imposed in response to their protected group activities. In fact, when

B. The evidence establishes that Respondent retaliated against Schmidt when he was given a retaliatory performance review.

The Review.

When reviewing a claim of retaliation under Title VII of the Civil Rights Act, the evidence is considered cumulatively. A single act may not, by itself, always amount to a violation of Title VII. However, that same act, when viewed in light of the surrounding circumstances, may prove quite significant in evaluating a retaliation claim. Here, a review of the circumstances surrounding the negative performance reviews received by Schmidt in 1998 and 1999 strongly supports an inference of retaliation that Respondent has failed to effectively rebut.

Schmidt alleges that the Company retaliated against him with inaccurate, unfair and punitive performance evaluations. As an example, Schmidt refers to a performance review dated March 12, 1998. At the time that this review was given, Schmidt and his coworkers believed that the review was a reprisal, and considered it to be "grossly inaccurate, unfair and punitive."

Referring to that performance review (in a document that wasn't available to the — Commission's investigator), co-worker Kumagai notes that "one year, management lowered [Jeff's] rating from 'exceeds job requirements' to 'meets job requirements,'

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management stepped up its repressive efforts, all three of these co-workers resigned in short order, after many years of employment with the Company. It is telling that Collins and Elliott left without even arranging other employment, and explicitly cited intolerable management practices by the Company. Kumagai arranged other employment before resigning, but attributes her resignation to the repressive/hostile environment imposed by management and to the Company's hypocrisy about equal employment opportunity.

despite the lack of evidence that the quality or quantity of Jeff's work had fallen. Jeff contended, and I agree, that they were punishing him for his workplace activism." See Exhibit C, page 5.

Schmidt's written rebuttal to the review proves that Schmidt's position at the time was that this review was a reprisal for Schmidt's protected activity. Never before during Schmidt's many years at the Company had he felt it necessary to write a rebuttal to a performance review. See Exhibit De This single act, when viewed in light of the surrounding circumstances, is significant evidence of retaliatory conduct.

The Commission's review of Schmidt's 1999 performance review unfortunately overlooks the evidence of reprisal. Significantly, the performance review criticizes as "unacceptable" the fact that Schmidt wrote and circulated to the staff a memo that "dwelled at length on issues not related to his job." The paramount issue that the memo addressed was the Company's discriminatory employment practices. Based on this criticism, the review gave Schmidt a very low rating in the area titled "Support the editorial effort of PT," that adversely affected his salary. And as the chronology notes, Schmidt's supervisor criticized him harshly for circulating the memo, telling him, "You are lucky you still have your job after doing that." See Exhibit A.

The letter of determination, on pages 3-5, quotes management statements in Schmidt's performance reviews at great length, and yet fails to evaluate the accuracy of the statements therein or the typical manner in which other employees were reviewed by the Company. The workload numbers and statements quoted are largely inaccurate, as

<sup>&</sup>lt;sup>3</sup> A rating of 1.5 in area 3

detailed, for example, in the document of April 27, 1998. These management statements should have been subjected to critical review in light of the document of April 27, 1998 and the performance reviews of co-workers.

An examination of the performance reviews of co-workers, for example, would reveal that a common management theme on performance reviews at the Company was. "What more can you do for us?" The Commission failed to appreciate this fact when it stated, "Investigation disclosed that Respondent has raised concerns regarding Complainant's productivity since before Complainant filed his internal Title VII based complaint." This observation misses an important point. The Company raised the issue of productivity for 19 years, but only took a "hard line" on it after Schmidt complained about all-white hiring practices. The performance review covering the period February 1996 - January 1997 illustrates how productivity had been treated in the past: as just one of many factors for judging an employee. Significantly, the review, dated February 13, 1997, was conducted two months before Schmidt confronted management about its failure to interview the minority job applicants whom management had identified as "very promising." Despite the fact that managers wrote that Schmidt failed to meet his productivity quota, they nevertheless gave him an overall rating of 4 -- "Exceeds job requirements." (See letter of determination, page 3, middle paragraph.)

Significantly, Title VII requires a finding of pretext where similarly situated employees are not subjected to the same adverse actions as the Title VII complainant. Here, the company clearly took different action with Schmidt than it did with other similarly-situated employees. Therefore, the Company's explanations for its adverse actions must be regarded as pretext.

For example, a look at the performance reviews of co-workers also would reveal that when the Company was *truly* concerned about an employee's productivity, it took action outside of performance reviews -- by putting the employee on probation. Co-worker Bertram Schwarzschild, for example, was put on probation for low productivity. It is telling to compare the Company's treatment of Schwarzschild and its treatment of Schmidt. Schwarzschild's employment at *Physics Today* paralleled Schmidt's in starting date, job title and salary. The Company considered Schwarzschild's productivity to be deficient enough to warrant probation; Schmidt was never put on probation.

Schwarzschild openly spent office time on personal activities, including rehearsing lines for plays, making personal telephone calls, debating controversial current events at length with co-workers, writing fiction on his office computer, sending personal e-mail, surfing the Web, playing computer solitaire and so on; Schmidt devoted himself almost exclusively to the needs of the Company when he was in the Company's offices. Notably, however, Schwarzschild displayed a submissive attitude toward management and openly seethed with prejudices against minorities, women, gays and so on; Schmidt confronted management with demands for fair treatment of minority group members. Schwarzschild is still employed at *Physics Today*; Schmidt, of course, is not. Schwarzschild is allowed to count short "picture caption" stories as "big-ticket items" when it comes to meeting his annual work quota. ("Picture caption" stories take one to a few days to complete, whereas the "big-ticket items" take weeks.)

C. The evidence establishes that Respondent retaliated against him when the Company terminated his employment on May 31, 2000.

The letter of determination mistakenly concludes that the Company had no retaliatory motivation when it decided to fire Schmidt, whom the Company considered to be an unwelcome advocate for minority rights and had already tried to silence with an escalating series of repressive measures. Thus the Commission mistakenly accepts as free of pretext the Company's stated reason for firing Schmidt -- his supposed failure to "strive to meet Respondent's productivity standards." (See letter of determination, page 2.)

As stated before, at the time Schmidt was fired, he had just fulfilled his entire annual work quota two months ahead of time. The law provides in pertinent part, "Even if the Respondent produces evidence of a legitimate, nondiscriminatory reason for the challenged action, a violation will still be found if this explanation is a pretext designed to hide the true retaliatory motive." Yet, the Commission concludes that there was no violation.

The Commission's review of Schmidt's personnel file overlooks the most important document concerning the issue of productivity: the document that states the Company's productivity expectations that were in effect during the months leading up to Schmidt's dismissal. This document is a written agreement, approved by Schmidt and signed by a director of the American Institute of Physics, specifying the amount of work Schmidt would be required to do annually and what Schmidt would be paid in return for doing that work. (See agreement dated 14 September 1999, submitted to the Commission on 21 November 2000.) At the time Schmidt was fired, he had just fulfilled his entire annual work quota in ten months' time. That is, he was two months ahead in

his work. Clearly, alleged concerns about Schmidt's productivity cannot account for his dismissal.

Based on this fact alone, the Commission's finding was based upon the erroneous conclusion that Schmidt was actually fired for conduct that was unrelated to his protected activity. This finding is contradicted and undermined by the fact that co-workers with more serious productivity deficiencies were only put on probation and not fired, and the fact that Schmidt *exceeded* the Company's productivity standards, having completed a year's worth of work in ten months' time at the time of his dismissal.

The Company may defeat a finding of pretext only where the Title VII complainant is treated the same as similarly situated employees under like circumstances. Ample testimony by fellow co-workers to show that such employees were not treated similarly. In fact, at the time Schmidt was writing the book, other co-workers were also engaged in freelance work that the company knew about. These coworkers were not disciplined in any way. See Exhibits F and G.

Significantly, the State of Maryland Department of Labor held a hearing in Schmidt's case and took testimony from both the Company and Schmidt. The Department found that the Company had presented insufficient evidence to back its charge that Schmidt had spent company time writing his book and refuted the Company's charge of employee misconduct. The Company did not appeal the State's finding.

Also significant are the findings of an investigation by a human rights committee of scientists, co-chaired by a professor at the University of Maryland, College Park. See

Exhibit C. The scientists determined, among other things, that "What is not possible is that Schmidt was fired for the reason stated by AIP." See Exhibit C, page 3.

The Commission's view that the Company's action was free of retaliatory motivation also contradicts the assessment of many organizations and hundreds of scientists with long-standing knowledge of the American Institute of Physics. These scientists know the subculture of physics, and they recognize a pretext within it when they see it.

The letter of determination's discussion of whether or not Schmidt was treated differently from other editors is fundamentally flawed, because it is based on a misreading of Schmidt's book and on the false assumption that the Company expected employees to spend 100 percent of their time doing Company work. (Pages 7-9 of the letter of determination.) The opening line of Schmidt's book is obviously a dramatization, and that is why he immediately explains to the reader what it means. Thus, in the book's opening paragraph, Schmidt states that "written in part on stolen time" means "spending some office time on my own work." (This is discussed on page 5 of Exhibit C.) The Commission confuses office time and Company time (or work time), and this confusion causes it to misinterpret all the statements by co-workers (most of page 8 of the letter of determination). During Schmidt's 19 years at the Company, it was common practice for employees in the Physics Today division to spend some of their time in the office on things other than Company work. Thus, while co-workers openly engaged in typical work-break activities such as making personal telephone calls, exchanging personal email, surfing the Web, conversing with co-workers and so on, Schmidt spent some time working on a book. No one needed formal permission to engage in any of these

activities, because they did not interfere with Company work, affect the amount of Company work that was done, or affect the timeliness of the Company work. In fact, most of Schmidt's company work was performed at home, on a computer that was purchased by Schmidt and the company and was wholly owned by Schmidt a year after the purchase. Schmidt typically spent four days every week at his home office. Thus, it is clear that Schmidt and other employees were treated as professionals and provided with the privileges of typical professionals. They were expected to complete their work and were not punching time clocks or strictly regulating their work hours. When taken in context, Schmidt's work on a book was entirely consistent with Company practices.

Finally, the Commission failed to accurately interpret the statements of many employees. For example, the letter of determination apparently makes a significant error in summarizing the statement of the former employee discussed in the middle of page 8. The letter says, "This witness stated that he did freelance work with Respondent's formal permission." In fact, this employee never told the Commission that he had written permission to do freelance work in the office. Nor did he tell the Commission that he had special permission not granted to his colleagues. He had a verbal statement of Company policy, that he understood to apply to all staff editors at *Physics Today*, including Schmidt. See Exhibit F.

This policy is further supported by the statement by former co-worker Christopher Mohr. See Exhibit G.

By failing to take into account the written chronology of events, the Commission unfortunately misses other ways in which Schmidt was treated differently from his coworkers after he confronted management on the issue of equal opportunity. For

example, Schmidt and a co-worker both requested permission to carry over unused vacation time from one year to the next. Schmidt's request was denied, while the co-worker's request was granted. The co-worker was instructed not to tell anyone. (See chronology entry of 9-10 November 1999.)

The fact that the Company never asked Schmidt about the statement in his book indicates a lack of interest as to the truth of the Company's purported assumptions. It is very telling that despite Schmidt's 19 years of service to the Company, his supervisors did not ask him even a single question about his work on the book, even though they had no idea how much office time, if any, he had spent on it. This is strong circumstantial evidence of an eagerness on management's part to get rid of Schmidt, an employee who had openly raised embarrassing questions in the workplace.

### III. Conclusion

The Commission should reopen this case to consider the new, overlooked and challenged evidence, and should issue a complaint.

Respectfully submitted,
FINKELSTEIN & HORVITZ, P.C.

Ву:

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cc: Samuel N. Fontaine (without enclosures).



# **EXHIBIT LIST**

- 1. Exhibit A: Physics Today magazine workplace chronology, October 3, 2000.
- 2. Exhibit B: Contemporaneous letter detailing the ban on Schmidt's private conversations with co-workers, February 4, 1998.
- 3. Exhibit C: Scientists' human rights committee report, May 2002.
- 4. Exhibit D: 57-page memo of April 27, 1998.
- 5. Exhibit E: Documentation of probe into private conversations, August 1999.
- 6. Exhibit F: Message from witness William Sweet to PGC Human Relations Commission, May 9, 2002.
- 7. Exhibit G: Message from co-worker Christopher Mohr to PGC Human Relations Commission, May 15, 2002.

Excerpt from a letter: to a coworker on vacation describing
the ban on private conversations between Physics Today staff members
4 February 1998

Hi Graham,

It sounds like you are in a great place, a different world physically and in spirit. News travels far and fast, and so I see that you already know that your coworkers have been treated to a "down under" experience of a very different sort. The description of events that you received was a good one, in my opinion, and shows the skills of a good reporter. I'll give you my report here, because it contains some additional information.

On Thursday 22 January 1998 I met with Charles Harris to ask him to get Stephen Benka off my case. Benka had been pressuring me to stop doing anything that takes up any support staff time at all. I told Harris that support staff can contribute a lot to making the editorial work go well, and that his apparent new policy for support staff work -that it should give priority to advertising and other revenue-producing work over editorial work -- was bad for the magazine. When Judy was part of the support staff, most of her time was shifted to the Buyers' Guide, which was brought in-house to save money. Now they are shifting more and more of Rita's time to advertising work. And they aren't replacing the lost editorial support. Instead, they are pressuring editorial staff to take on more work. Management philosophy seems to be: Why pay \$15 an hour for clerical work when you can pay \$30? Their real philosophy, of course, is simply to get the editorial staff to do more.

I told Harris that behind all this is the way his salary is structured -- tied to reducing the magazine's budget deficit. To my claim that his salary structure is distorting our priorities, he said that he doesn't always do what is best for his salary. As proof, he pointed out that we usually don't run four feature articles in the magazine. He then quickly changed the subject, realizing, I think, that he has never revealed that his salary is tied to upping our output to four articles per month. By the way, over my objection (and over Bert's indication of support for my objection), they are running four substantial feature articles in the March issue, even though we have no backlog and no additional staff. The other day Harris broke new ground in his privileging of advertising over editorial by bringing his advertising manager to an editorial meeting and letting the needs of advertising set the agenda. forced the meeting to make a big editorial decision after very little discussion, for the sake of advertising. Warren objected strongly; Gloria called it "bullying."

Harris told me that he is open to hiring more support staff, but that we would have to discuss it first at a staff meeting, possibly the next one. I told him that some of us thought we had already discussed it at length at staff meetings and that the need was clear.

Overall, Harris said that he wasn't inclined to give me much consideration, because of my organizing activity last

year. And he mentioned your name here too, Graham, as another unforgivable transgressor. "You tried to get me fired," he said, speaking either about me alone, or about you and me, or about all those involved. I said that isn't true. He said that if I believe that, then I must be very naive. And his attitude indicated that he doesn't think I believe that and that he doesn't want to even consider the possibility that I do. I think he wants to believe that I tried to get him fired, because according to his value system that would give him both the desire and moral right to fire me or drive me out, which now appears to be his agenda.

In pursuit of that agenda, Harris appears to have given Benka license to go after me and maybe all of management's perceived enemies on the staff. Around 6 pm on Wednesday 28 January 1998, I was in my office talking to Toni on the telephone when Benka opened the door and asked rudely and sarcastically if I was talking to one of our authors. said, "No, I'm talking to a coworker, Toni." He acted as if he already knew that. He stepped further into my office and said that he wanted in on our conversation. I found this shocking, of course, and unprecedented. I switched Toni to the speakerphone and told her that Steve was here and wanted to be in on our conversation. She sounded equally shocked. Benka suggested that she come over to my office, and she said OK. Without saying anything, I walked out of my office and into the open area of desks just outside, and Benka followed. I did this to make room for Toni and to get some physical distance between myself and a former post office employee who was clearly behaving very strangely. Toni arrived quickly.

Benka asked me and Toni what we had been talking about on the telephone. I thought his question was way out of line, but I nevertheless told him: We had been discussing the May 1998 50th anniversary issue of Physics Today. (That is ironic, because every May-issue meeting that Benka has been a part of has been a disaster. Virtually every member of the staff thinks that that issue has been badly mismanaged, and no one thinks that yet another meeting with Benka is the way to generate the ideas that the magazine desperately needs to salvage it.) But after giving that short answer, I said that the important question is why he was trying to barge in on our conversation.

He said that he is forbidding all private conversations between staff members at work. From now on, all conversations between staff members must be open to management supervision, he said. When I asked him why, he referred to the organizing activity that took place last year and said that he doesn't want that to happen again. (He and Harris have no doubt that I played a leading role in that.) This looked like a retaliatory and repressive policy aimed more at me than at the rest of the staff, and so I

asked him whether or not it applies to everyone. He said it does. I didn't believe him (but I didn't say that I didn't believe him), and so I pressed him three or four times to say whether or not he was going to announce the new policy to the rest of the staff. His final statement was that he knows that I want to know that.

Of course, even if the new repressive policy is not formally announced, no one can afford to take a chance on violating it -- especially Toni and me, to whom it was announced formally. (Paul got a semi-formal announcement, as the discussion took place right outside his door, which was open at the time.) News of management's dim view of private conversations has spread throughout the staff by way of -- yes, you guessed it -- private conversations.

Even though Benka's Gestapo-like enforcement of the new policy was very frightening, in the middle of it all Toni managed to point out that we don't have the bi-weekly Q&A meetings anymore. If management wants to know what the staff is concerned about, they can have such meetings rather than monitor our conversations. Benka ignored her. I think Toni's idea is a good one and should be among our arguments and suggestions.

About half an hour before Benka busted up the telephone conversation between Toni and me, he did something that in retrospect was clearly part of the new repression but at the time felt merely strange and creepy. I had stopped by Toni's office to give her a newspaper article that I thought might interest her. It was about the Clinton/Lewinsky affair, which we had discussed earlier in the day. article was a brief historical survey showing that presidents who cheated on their wives were more likely to lie to the public as well, justifying public interest in this sort of thing. Toni and I discussed the article briefly and then discussed the 50th anniversary issue. During the latter discussion, Benka opened the door to Toni's office, entered the room and asked if he could join in the conversation. This seemed very strange, of course, . especially because he did not know what we were talking about. Toni was perfectly polite in spite of Benka's rude entry. She pointed out the article that I had brought by, dutifully restarting our conversation about it from the beginning for Benka. The three of us discussed the issue for a while, during which Toni and I were treated to editor Benka's view that the press should know its place and not try the president. It was an awkward discussion, because I and maybe Toni (she can speak for herself) were not really interested in speaking with Benka. When we finished the discussion, Benka showed no sign of leaving Toni's office. He indicated in a subtle but clear way that he would not leave first. This was not only bizarre, but also had something of an ugly edge to it. Although we had no idea what was going on, Toni and I acted quickly to undo the

situation -- she by immediately announcing that she had work to do, and I by quickly leaving the room. Benka and I then spoke about feature articles for ten minutes or so at his office. That conversation consisted of me detailing for him all the progress I had made on a number of articles. discussion was pleasant, although not really necessary, and he acted pleased and calm throughout. However, when we finished talking, I walked toward Toni's office, and Benka followed me. He asked if I was going to Toni's office, and I said yes. He asked if he could come along. By that time he had already followed me most of the way to her office. told him that she and I were in the middle of a conversation that we had started earlier in the day, and that it would take too long to fill him in on all the background. We discussed this briefly, and he finally suggested that neither one of us go to Toni's office. I didn't say anything one way or the other, and he went back to his office. I noticed a box nearby containing copies of the latest issue of the magazine; I took one and went back to my office. Later, when Toni and I spoke on the telephone about the 50th anniversary issue, we began our conversation by trying, without success, to figure out our supervisor's mysterious and disturbing behavior earlier.

## **HUMAN RIGHTS COMMITEE**

of the
PLASMA SCIENCE AND APPLICATIONS COMMITTEE
of the
INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS

Co-Chairman: Dr. Wallace Manheimer Code 6707 Naval Research Laboratory Washington, DC 20375

Dear Prof. Krasheninnikov:

Co-Chairman:
Prof. Victor Granatstein
Department of Electrical
and Computer Engineering
University of Maryland
College Park, MD 20742

We would be grateful if you would bring this letter to the attention of the Human Rights Committee of the Division of Plasma Physics of the APS. The ExCom of PSAC (Plasma Science and Applications Committee) of the IEEE voted unanimously authorizing us to contact you to make you aware of a human rights violation that we feel has occurred when *Physics Today /* AIP fired one of its editors, Jeff Schmidt. The human rights abuses we see include forcible suppression of both critical comments and private conversations within the workplace, followed by vindictive termination. The principal new information we feel we are providing consists of statements by three former AIP employees who are now willing to testify as to working conditions there at the time.

Enclosed is our report to PSAC ExCom. We requested the enclosed motion. Instead, we were instructed, by the aforementioned unanimous vote to contact your committee in the belief that protest and request for redress from you would have more impact.

Yours very truly

Wallace Manheimer

Victor Granatstein

PS. There is one member of your committee, Bruce Scott we do not know and there is more than one in the APS directory. Could you see that this gets to him as well. Thanks.

WM & VG

Report of the human rights committee, ICOPS Banff, May 2002

Last October's human rights report (A) mentioned the firing of Jeff Schmidt, an editor at Physics Today. Many people thought he was fired for the politics he expressed in a book he wrote *Disciplined Minds*, a book which claims professional are regimented to toe the 'company line' in various ways. Many hundreds of individual scientists wrote to Physics Today to protest. These are documented on a web site <a href="http://disciplined-minds.com">http://disciplined-minds.com</a>. We wrote to Marc Brodsky of AIP to request more information (B), and his response (C) is enclosed. He claimed that Schmidt was fired for using AIP time for private purposes (ie free lance writing). Our initial impulse was to think in terms of some sort of compromise between Schmidt and AIP, and we gently suggested this by sending each of them our report. At the time we also thought the matter would be resolved by the courts.

A few months ago, we got a letter from Schmidt, we have had several others since then. Among other things he told us the dispute was not being resolved in the courts. Also he told us he would still be willing to reach a compromise with AIP and that he has been unable to gain other employment, largely due to the way he left AIP, ie no credible reason, no recommendation. Also he mentioned that his savings were largely depleted. We decided to investigate further.

His web site makes several rather shocking allegations, among them:

- 1. Schmidt was given a gag order and told not to talk critically about AIP.
- 2. He was told that private conversations of any kind were not permitted in the work place.
- 3. He was fired despite being given many good ratings, promotions and salary increases during a 19 year career.
- 4. The excuse given for firing him was fraudulent in that many other AIP employees were allowed to, and in fact, even encouraged to do extracurricular work of a scholarly nature as long as their AIP deadlines were met.
- 5. He had gotten in trouble at AIP for pushing for more diversity in the workplace.
- 6. After being fired he applied for unemployment benefits from the Maryland Department of Labor. AIP tried to prevent him from collecting, but when it came time to make its case against him, did not show up to do so.

If true, these statements would be a sweeping condemnation of employment practices at AIP, an organization we all feel we are part of in some way.

To further examine this, we contacted 3 former employees who were familiar with the situation, William Sweet, Paul Elliott, and Jean Kumagai. Sweet's and Kumagai's letters are included (D and E). Elliott sent a very long statement which we summarize here (F). They all confirm these allegations (except for 6 which we were unable to verify). In fact, if anything the situation was worse than described on the web site. Once we had these, we wrote once more to Marc Brodsky. Our letter is included (G). So far he has not responded, even though it took him only a day to respond to our first letter.

Our take: It is possible that Schmidt was fired for the politics expressed in the book. Many physicists believe this and have made their concerns known to AIP. It is also possible, and in fact seems more likely to us, that he was singled out for his efforts to bring more diversity to the workplace and for other instances of workplace activism. Then, despite a long and productive career there, AIP subjected him to a two year long smear campaign designed to damage his standing and reputation there. It then found a totally bogus reason to fire him without giving him the benefit of honest evaluation or an opportunity to defend or explain himself. What is not possible is that Schmidt was fired for the reason stated by AIP.

We feel that this is inexcusable and an appropriate area of concern for our committee. This is especially true where it is in a sense a matter internal to our own community. We feel it is vital that AIP and other APS and IEEE organizations treat their employees according to the highest standards, not like galley slaves. Accordingly we ask ExCom to pass the following resolution:

## RESOLVED

The Plasma Science and Applications Committee of the IEEE deplores the firing of Jeff Schmidt by AIP. An investigation by our Human Rights Committee has convinced us that his termination was improper and should be reversed. We urge AIP to rehire Schmidt, openly welcome him back, cease all harassment of him, and give him back pay for the period of his forced unemployment

Wallace Manheimer Victor Dramatstein

D

X-Sender: wsweet@shogun.ieee.org Date: Tue, 12 Mar 2002 15:57:23 -0500

To: Wally Manheimer <manheime@ccs.nrl.navy.mil>

From: William Sweet <w.sweet@ieee.org>

Subject: Re: Disciplined minds

Dear Mr. Manheimer,

I cannot comment directly on the circumstances of Jeff Schmidt's dismissal, since I left the magazine many years before it occurred. During the eight years I worked as a colleague of Jeff's a Physics Today, I knew him to be a conscientious, competent, and consistently hardworking employee of the magazine who always got done what he was expected to get done on time and well.

Regarding the question of working on office time, it was my own experience at Physics Today that one was permitted to do freelance work or pursue personal projects, as long as they did not interfere with or detract from one's responsibilities to the magazine. I did a great deal of freelance work openly, much of it appearing in publications read regularly by Physics Today staff.

My impression is that in journalism and publishing generally, it is taken for granted that staff--and especially younger staff--will do freelance work or work on scholarly projects, partly to further their careers, partly just for the money, and partly for the joy of it. It is not uncommon, indeed, for organizations to positively encourage such work.

For that reason alone, I strongly suspect that the stated reasons for Jeff's dismissal were spurious. As stated at the outset, however, I am not in position to speculate about what the real reasons might have been.

Sincerely,

Bill Sweet

#### Dear Mr. Sweet:

I am the co-chair of the human rights committee of IEEE Plasma Science and Applications Committee. Recently the firing of Jeff Schmidt over his book *Disciplined Minds* has come to our attention and we are looking into it. Jeff has said we could contact you. For our report (to be delivered to our executive committee in the ICOPS meeting in Banff, May 24) we would like to get the impressions of other coworkers and former coworkers at AIP. If you could give us your impressions of what transpired that would be very helpful to us. Particularly Jeff said that you could describe your own experience in doing free lance work while you were employed at APS. I would appreciate if you would give me your take in a return email, especially on the items I mentioned. I will be away for a week and a half or so, but hopefully you can get back to me. I may also give you a call when I get back.

Thank you for your attention to this.

S 001376

X-Sender: jak.interport@pop.rcn.com Date: Sun, 21 Apr 2002 18:45:42 -0400

To: manheime@ccf.nrl.navy.mil

From: Jean Kumagai <jak.interport@rcn.com>

Subject: more about Jeff Schmidt

Dear Wally,

Thanks so much for giving me the opportunity to help your human rights committee do something on behalf of Jeff Schmidt and free expression within the science community. In my previous message, I gave brief answers to your questions about Jeff's promotions and pay raises and about the gag orders at Physics Today. Below I've provided greater detail on these two issues. I hope you find this useful for your investigation. Please let me know if I can be of further assistance.

All best,	
Jean	

I was a member of the Physics Today editorial staff for ten years, leaving just six months before Jeff was fired. As is the case in many workplaces, he and I and other staff members routinely discussed our interactions with management, including performance reviews, pay raises, editorial disputes, and so on. That's how I know that AIP always gave Jeff job-performance ratings of "meets job requirements" or "exceeds job requirements." (One year, management lowered his rating from "exceeds job requirements" to "meets job requirements," despite the lack of evidence that the quality or quantity of Jeff's work had fallen. Jeff contended, and I agree, that they were punishing him for his workplace activism.)

As for promotions, I attended the staff meeting where the editor announced that Jeff had been promoted. Bill Sweet received a promotion at the same time, and I remember Jeff and Bill humorously congratulating each other while the rest of us applauded. Promotions at AIP are not automatic, but are based on careful scrutiny of the employee's work. The same goes for raises. As a matter of policy, AIP does not give automatic cost-of-living raises, only merit raises. AIP would not have employed Jeff, promoted him, and given him merit raises for 19 years if he had not been doing his job to AIP's satisfaction. I think it is crucial to note that AIP, like other employers, regularly scrutinizes the quality and quantity of each employee's work. Thus, during my decade at Physics Today, I saw coworkers put on probation, demoted, or fired for not meeting the magazine's standards. AIP never did any of these things to Jeff -- until they saw his critical writing.

In firing Jeff, AIP claimed that he had stolen from the company, referring to the opening lines of his book ("This book is stolen. Written in part on stolen time, that is.") This is a laughably baseless charge. In the opening paragraph of his book, Jeff explains that "written in part on stolen time" means "spending some office time on my own work." This describes common Physics Today workplace behavior, albeit with an attitude. At Physics Today there were no official break times; editorial employees were expected to meet their deadlines, and they took their breaks whenever they wanted along the way. All of Jeff's coworkers (including me) openly pursued personal interests during their work breaks, but Jeff was the

only one who was punished for failing to make sure that 100 percent of his office time was work time. The difference was the nature of Jeff's break-time activities -- his workplace activism and critical writing.

Like many employers, AIP engaged in "speed-up," demanding that editors and other employees do more work in the same amount of time. Jeff was outspoken in opposing this, in the interest of both staff and readers, but he always adapted to the changing standard himself. When Jeff was fired, he told me that he was two months ahead of schedule in meeting the annual work quota that AIP had set for him -- that he had completed 12 months' worth of work in 10 months' time. Having observed his work style for ten years, I do not doubt this.

Management had to be fully aware of these facts, and therefore fully aware that Jeff's book about the politics of work was doing nothing more than expressing a critical attitude about work. But they fired him anyway, nine days after they learned of his book and its contents, a delay that indicates that their action was calculated rather than emotional. As you may have seen, on 5 April 2002 the Chronicle of Higher Education reported the numerous protests by physicists against Jeff's firing. The reporter apparently asked AIP CEO Marc Brodsky, What if the book's opening line was merely a rhetorical device? Brodsky responded, "Even if it was, it's not good for the morale of other employees." In other words, Brodsky admits that he was willing to fire Jeff simply for expressing what Brodsky considers to be a bad attitude. I think the evidence indicates that that is exactly what Brodsky did.

As for the gag orders, the one placed on Jeff was imposed a few days after the second staff retreat. The retreat had been billed as an opportunity for the editorial staff to get together and "brainstorm" about the magazine's content and direction. Much to our surprise and disappointment, however, the managers prepared a rather rigid agenda for the retreat, one not at all conducive to creative thinking and open discussion. Near the beginning of the retreat, after opening remarks by Physics Today publisher Charles Harris, Jeff asked if we could ask questions. Harris said no. Jeff then argued that staff members SHOULD be allowed to ask questions at a retreat. Harris angrily shouted "No, that's an order!", ending the discussion. When Harris later called on me to speak about my department, I criticized him for shutting Jeff up. Some others did the same thing. The staff was quite upset by the repressive atmosphere that management had established. Needless to say, nothing much was accomplished at the retreat.

The gag order instructed Jeff not to tell his coworkers that he was being restricted, but he showed the order to me and other coworkers anyway. That upset Harris, but also led to staff pressure that forced Harris to rescind the order after about two months (along with a similar order that had been imposed on another staff editor, Graham Collins).

The gag orders were soon followed by the ban on private conversations in the workplace, wherein Physics Today Editor Stephen Benka announced that all conversations between staff members had to be open to monitoring by managers. Unlike the gag order, the ban was not issued in writing but rather declared verbally to Jeff and another staff editor, Toni Feder. (Toni and I worked very closely to produce a department of the magazine.) I heard about the ban immediately from both Jeff and Toni. Although Benka announced the ban to Jeff and Toni, he said that it applied to the entire staff. Paul Elliott, another editor, overheard the announcement. The rest of the staff learned of it, ironically, through private conversations. Unlike the gag orders, the ban on private conversations in the workplace

was never rescinded, even though Jeff formally appealed it to James Stith, a top official of the American Institute of Physics. I think the ban was aimed mainly at silencing Jeff and discouraging other staff members from talking to him.

Since leaving Physics Today in November 1999, and especially since Jeff's firing, I've often thought about the gag orders and the conversation ban and the generally repressive environment there. Unlike a lot of bad memories, though, these ones don't fade with time. I hope that the human rights committee will do whatever it can to obtain justice for Jeff. In so doing, I believe you will also be helping to improve the work environment at Physics Today, by compelling AIP to reconsider its policies and actions, and ultimately benefitting the science community at large.

S 001379

### Summary of Paul Elliott's email:

Paul Elliott worked in a neighboring office to Schmidt for just under 5 years, from 1995-2000. Schmidt was an editor for 14 years before Elliott arrived, which was just after AIP hired a publisher (for the first time), Charles Harris, and an editor in chief, Steven Benka. From 1995-2000, according to Elliott, Schmidt was well regarded by the PT staff, met all deadlines and other obligations. But Harris, and Benka particularly increasingly became openly hostile toward Schmidt from about 1995 through 1997. During that period, Schmidt was in the forefront of staff efforts trying to get PT to hire a more staff with more diversity (virtually the entire professional PT staff apparently was white male), as well as bring about other improvements in the staff's working conditions. This entert apparently led to the embarrassment of PT management in front of higher ups at AIP and the PT advisory committee (I suppose a bunch of senior physicists).

At about this time, in the fall of 1997, Charles Harris not only gave Schmidt a written and secret gag order, which Elliott saw, but gave one to another editor, Graham Collins, whom Harris also saw as troublesome. A month of so later, under pressure from PT staff, these orders were rescinded. However in January 1998, Elliott heard Benka angrily tell Schmidt that private conversations between members of the PT staff behind closed doors were forbidden and had to take place outside after business hours. After this, Schmidt kept a very low profile at PT. If he had been a "troublemaker" before this, he certainly ceased being one at this point-but, said Elliott, there was no let-up in management's hostility toward him.

Elliott said that many members of the PT staff, certainly including Benka, used the work day for other private purposes. Elliott worked 10 feet from Schmidt for 5 years and saw no evidence that Schmidt was doing anything but his job as an editor. He certainly was not visibly working on a book. Elliott even pointed out that in late 1998 Schmidt took a 6 month unpaid leave of absence, and in retrospect, Elliott surmises that it was probably to work on his book. During that period too, said Elliott, management continued to openly malign and denigrate Schmidt.

Elliott's conclusion was that PT editorial management thought of Schmidt as a trouble maker, subjected him to "a long term smear campaign followed by prejudicial termination on a fundamentally bogus charge", and fired him as an act of revenge without giving him a chance to explain or defend himself.

(

## **HUMAN RIGHTS COMMITEE**

of the
PLASMA SCIENCE AND APPLICATIONS COMMITTEE
of the
INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS

Co-Chairman; Dr. Wallace Manheimer Code 6707 Naval Research Laboratory Washington, DC 20375

Co-Chairman:
Prof. Victor Granatstein
Department of Electrical
and Computer Engineering
University of Maryland
College Park, MD 20742

April 17, 2002

Dr. Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, MD 20740

Dear Dr. Brodsky:

We sent you the enclosed letter concerning the firing of Jeff Schmidt and also enclosed is your response for which we thank you. We have continued to look into this matter, and we must say that with our current understanding of the situation, we find the response of AIP to be not satisfying to us. We have spoken to several people, and apparently employees at AIP are not fired for using company time for such private business as free lance writing, as long as all AIP deadlines were met. Schmidt and others have claimed that the expression 'stolen time' was not used to confess to larceny, but to emphasize the particular point made in the book. From what we know now, this seems reasonable to us.

As far as we are able to discern, Schmidt met all his deadlines at AIP and was a well regarded worker. Several people have claimed that internal records in Physics Today verify this.

There is one factual matter which we were unable to independently verify and we wonder if you could help us out. On his web site, Jeff Schmidt claimed that when applying for unemployment benefits, AIP tried to prevent him from receiving them, but when it came time for AIP to make its case to the Maryland Department of Labor, it did not show up to do so. We tried to verify this with the aforementioned department, but these records are confidential.

Let us tell you what we think may have happened. We are not certain, but this is the simplest and most reasonable explanation of the facts which we know. Around the end of 1997, in a meeting with AIP and Physics Today's external advisory committee, Jeff Schmidt embarrassed his supervisors at Physics Today by complaining to powerful outsiders about lack of diversity in the workplace. We can certainly believe that his supervisors would frown on his taking such a complaint so far outside the chain of command. In some organizations this might be grounds for dismissal, while in others it would be acceptable behavior. If Schmidt had been fired then, for that, we would be much less sympathetic to him. While unquestionably harsh, he would have suffered a serious consequence for what might have been regarded as a serious faux pas. The firing would have been honest on the part of his employer, he would most likely have learned from the experience, and the negative impact on his reputation would have been minimized. Instead however, AIP strung him along for more than two years, a time during which Schmidt was especially trying to keep out of trouble. Finally AIP found a bogus reason for firing him, and did so in a way that would do him maximum harm. This seems inexcusable to us, and an appropriate area of concern for our committee; particularly where it involves an organization which we all support and would hope lives up to the highest standards regarding its personnel.

Anyway, this is the way we currently see it and it is the way we will present it to our Executive Committee in mid May. Do we have it wrong? We invite your response. (Mail to government facilities being what it is, if you decide to respond, please fax WMM 202-767-1607; US mail to VLG okay)

There is one other thing. When we first looked into this matter, we thought the best solution would be some sort of compromise between you and Schmidt. That is why we sent both of you our initial report last October. Even at this late date, could that still be possible? Schmidt told us he would be willing to do so. Would AIP?

Yours very truly.

Wallace M. Manheimer

Victor L. Handelin

Wallace Wanheime,

Victor L. Granatstein

From:

Stephen Benka Jeff Schmidt

To: Date:

8/19/99 7:09pm

Subject:

First thoughts on your response to the review

Jeff,

Because you didn't have time to discuss your response to your review when you gave it to me, here are my initial thoughts on the inaccuracies that you perceive. Let's discuss this further as soon as possible.

Your example #1: You neglected to mention that, initially, you had wanted to count Goldstein as one long article, not two. However, because you had completed Goldstein within the previous review cycle, and because you were two full articles short of your already reduced (because of your cancelled paternity leave) production goal for last year, we counted them as two and included them in that cycle. This ensured that you would receive an "acceptable" rating, which was clearly in your best interest.

Each editor who worked on decadal excerpts for the anniversary issue did the equivalent of one full article's work in his or her decade. There would be no reason to count yours otherwise, except that your work on your decade had to be largely redone by someone else.

As of today, to my knowledge, the Will article is not yet completed. If it were, I would count it as an article completed within this review period.

Your example #2: You are right that I should have discussed the change of weights with you. I apologize for not having done so. Let's discuss and agree on your job description as soon as possible.

Your example #3: My description is accurate.

Your example #4: Your appeal to Charles Harris, Theresa Braun, and James Stith was the proper procedure to follow. However, as we discussed earlier today (and at other times), your surreptitious circulation of your response to the staff was entirely inappropriate.

I still would like you to tell me which member or members of the staff you have discussed this year's review with.

-Steve

Juno e-mail printed Fri, 20 Aug 1999 14:14:46, page 1

From: Jeff Schmidt <jeff-schmidt@juno.com> Received: (from jeff-schmidt@juno.com)

by m4.jersey.juno.com (queuemail) id EJGYUQBF; Fri, 20 Aug 1999 14:04:47 EDT

Return-path: jeff-schmidt@juno.com

To: lugenbold@juno.com, tfeder@wam.umd.edu, jak@interport.net

Cc: jeff-schmidt@juno.com

Date: Fri, 20 Aug 1999 14:04:47 EDT

Subject: Naming names

Message-ID: <19990820.140725.15951.0.jeff-schmidt@juno.com>

X-Status: Read X-Mailer: Juno 1.49

Hi Paul, Toni and Jean,

I just sent the message below to Warren. I don't know if he will get it before Tuesday, when he is next in the office. As you will see, it applies to you, too, but I thought it would be best to keep the message to Warren separate. (Please be careful not to mention his name in the context of this stuff.) Any suggestions or offers?

Hi Warren,

My discussion with Steve Benka about my performance review took place yesterday afternoon (Thursday 19 August 1999). It went more or less as expected (he basically didn't budge), except for one thing: He indicated that what he said about me in the review was confidential. At first I took that to mean that the review was confidential like a doctor's report, which goes only to the patient, to protect the patient's privacy. But it quickly became clear that what he meant was that he didn't want me to tell anyone what he said about me in the review — for his protection, not mine.

I responded by saying that most of the staff doesn't understand "confidential" to mean that they are forbidden to talk about their reviews (it is often necessary to talk about a review to check its accuracy), and I pointed out that they commonly discuss such things with their coworkers. Besides, I said, in this case it's too late, because I have already discussed it with a coworker (more than one, actually), and I didn't ask that person not to discuss it with others. So lots of people could know about it by now (I'm sure they do).

Benka appeared to be genuinely surprised and disturbed that people talk to each other about these things. I told him that I was surprised that he was surprised. I said that lots of people here talk to each other about everything, and that's a good thing — it's a sign of closeness. He was also disturbed that I had discussed the review with a coworker, and he asked me to tell him who it was. (I won't do that, of course.) I said that I didn't want to get anyone in trouble. He indicated that he still wanted to know. So I offered to ask the person if it would be ok to mention his or her name. At the end of the meeting, Benka said again that he wanted to know who it is. And a few hours later, at the end of a not-very-interesting e-mail message to me about other aspects of the review, he wrote this:

S 001385

Juno e-mail printed Fri, 20 Aug 1999 14:14:46, page 2

>I still would like you to tell me which >member or members of the staff you have >discussed this year's review with.

>--Steve

So I am now contacting all the people whom I think know about my review, to get their ideas on what I should tell Benka.

Jeff

Get the Internet just the way you want it. Free software, free e-mail, and free Internet

Internet just the way you want it. Free software, free e-mail, and free Internet access for a month! Try Juno Web: http://dl.www.juno.com/dynoget/tagj.

Juno e-mail printed Sat, 21 Aug 1999 01:29:13, page 1

From: Toni Feder <tfeder@wam.umd.edu>

Received: from mx2.jersey.juno.com (mx2.jersey.juno.com [209.67.34.54])

by m4.jersey.juno.com with SMTP id AAA555HGZAWJHMDS for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);

Fri, 20 Aug 1999 14:22:15 -0400 (EST)

Received: from mx5.boston.juno.com (mx5.boston.juno.com [205.231.100.53])

by mx2.jersey.juno.com with SMTP id AAA555HGZATTN59J for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);

Fri, 20 Aug 1999 14:22:15 -0400 (EST)

Received: from wilson.acpub.duke.edu (wilson.acpub.duke.edu [152.3.233.69])

by mx5.boston.juno.com with SMTP id AAA555HGZAKSV2Y2

(sender <tfeder@wam.umd.edu>);

Fri, 20 Aug 1999 14:22:15 -0400 (EST)

Received: from wam.umd.edu (async249-51.async.duke.edu [152.3.249.51])

by wilson.acpub.duke.edu (8.8.5/Duke-4.6.0) with ESMTP id OAA02801;

Fri, 20 Aug 1999 14:22:11 -0400 (EDT)

Return-path: <tfeder@wam.umd.edu> Reply-To: tfeder@wam.umd.edu

To: Jeff Schmidt < jeff-schmidt@juno.com > Cc: lugenbold@juno.com, jak@interport.net Date: Fri, 20 Aug 1999 14:25:15 -0400

Subject: Re: Naming names

Message-ID: <37BD9D7F.A57F16F9@wam.umd.edu>

References: <19990820.140725.15951.0.jeff-schmidt@juno.com>

X-Status: Read

X-Mailer: Mozilla 4.04 (Macintosh; I; PPC)

Hi Jeff, Jean, Paul,

obviously I don't think you should tell Steve whom you discussed your review with. Since he is so harsh with you, it would only impugn those people by association -- why does he want that info? It seems he would use (or at least hold) it against us. So I absolutely don't want him to know I am among those people. Also, don't forget, Chas is among those people.

I don't know what you should tell him-- just that the person/people involved felt that it would be used against them? Or more simply, they felt uncomfortable with that request? something like that.

Maybe you could say something like, "The conversations I had with (some of) my coworkers were private, and they feel it would be an invasion of their privacy for me to reveal their names just because they talked with me. I'm sorry I can't reveal anyone's name."

You could add something reassuring, if you can think of anything. Something to let him know you are not planning or inciting a rebellion among the staff....

Toni

From: "Jean A. Kumagai" <jak@interport.net>

Received: from mx2.jersey.juno.com (mx2.jersey.juno.com [209.67.34.54])

by m4.jersey.juno.com with SMTP id AAA555KHSAZ77UWS

for <jeff-schmidt@juno.com> (sender <jak@interport.net>);

Fri, 20 Aug 1999 14:56:48 -0400 (EST)

Received: from mx5.boston.juno.com (mx5.boston.juno.com [205.231.100.53])

by mx2.jersey.juno.com with SMTP id AAA555KHSAXKWHG2

for <jeff-schmidt@juno.com> (sender <jak@interport.net>);

Fri, 20 Aug 1999 14:56:48 -0400 (EST)

Received: from amsterdam.interport.net (amsterdam.interport.net [199.184.165.19])

by mx5.boston.juno.com with SMTP id AAA555KHSAPY897A

(sender < jak@interport.net>);

Fri, 20 Aug 1999 14:56:48 -0400 (EST)

Received: from [209.122.227.240] (209-122-225-172.s172.tnt1.nyw.ny.dialup.rcn.com [209.122.225.172])

by amsterdam.interport.net (8.8.5/8.8.5) with ESMTP id OAA01347;

Fri, 20 Aug 1999 14:56:57 -0400 (EDT)

Return-path: <jak@interport.net>

In-Reply-To: <37BD9D7F.A57F16F9@wam.umd.edu>

To: tfeder@wam.umd.edu, Jeff Schmidt < jeff-schmidt@juno.com>

Cc: lugenbold@juno.com, jak@interport.net

Date: Fri, 20 Aug 1999 14:58:36 -0500

Subject: Re: Naming names

Message-ID: <v03110711b3e35d5dc946@[209.122.227.240]> References: <19990820.140725.15951.0.jeff-schmidt@juno.com>

X-Status: Read

Hi Jeff (and Toni and Paul),

I don't know what would be the best way to respond to Benka. I personally don't mind if you tell him you talked to me. On the other hand, if you think it would be stronger to say that nobody wanted their name revealed for fear of retribution, then I definitely do not want you to mention my name.

You can also tell Benka that I agree with everything in both of your responses to your performance reviews, that I'm appalled by his deviousness, that I consider you to be an extremely supportive and valuable colleague, and that the long-standing morale problem at PT (which obviously did not originate with your distributing your appeal to the staff) will only get worse if he doesn't improve his attitude. You might also add that management's increasingly repressive policies may soon lead to the voluntary departure of one of its best editors.:)

Should I tell anybody else on the staff about your review? It will have to

wait until after I get back from Maine.

Jean

```
At 2:25 PM -0400 8/20/99, Toni Feder wrote:
>Hi Jeff, Jean, Paul,
>obviously I don't think you should tell Steve whom you discussed your review
>with. Since he is so harsh with you, it would only impugn those people by
>association -- why does he want that info? It seems he would use (or at least
>hold) it against us. So I absolutely don't want him to know I am among those
>people. Also, don't forget, Chas is among those people.
>I don't know what you should tell him-- just that the person/people involved
>felt that it would be used against them? Or more simply, they felt
>uncomfortable with that request? something like that.
>
>Maybe you could say something like, "The conversations I had with (some of) my
>coworkers were private, and they feel it would be an invasion of their privacy
>for me to reveal their names just because they talked with me. I'm sorry I
>can't reveal anyone's name."
>You could add something reassuring, if you can think of anything. Something to
>let him know you are not planning or inciting a rebellion among the staff....
>Toni
```

From:

Warren Kornberg

To:

Jeff Schmidt

Date:

8/20/99 8:11pm

Subject:

Re: Naming names

Jeff:

1--e-mail is not confidential, and if you want to be sure, it should not be used for things (like naming names) you do not want discussed.

2--I don't think there is any reason you should be required to disclose conversations you might or might not have had with other people in the building. With whom you discuss your business is your business. If you want to tell him you talked to me, that, too, is your business; I don't really care. But as you spell it out, the demand seems high-handed.

3-As far as the review's confidentiality is concerned, I believe that it is, but as a restriction on the management, not on you.

>>> Jeff Schmidt 08/20/99 01:42PM >>> Hi Warren.

My discussion with Steve Benka about my performance review took place yesterday afternoon (Thursday 19 August 1999). It went more or less as expected (he basically didn't budge), except for one thing: He indicated that what he said about me in the review was confidential. At first I took that to mean that the review was confidential like a doctor's report, which goes only to the patient, to protect the patient's privacy. But it quickly became clear that what he meant was that he didn't want me to tell anyone what he said about me in the review -for his protection, not mine.

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> still would like you to tell me which >member or members of the staff you have >discussed this year's review with.

So I am now contacting all the people whom I think know about my review, to get their ideas on what I should tell Benka.

Jeff

PS -- Careful with those computer buttons! I just noticed that your brief e-mail message to me yesterday morning also went out to Jeff Bebee, Georgina Guagenti and advtsg. No harm done.

Juno e-mail printed Mon, 23 Aug 1999 01:34:13, page 1

From: Paul J Elliott < lügenbold@juno.com>

Received: from mx1.jersey.juno.com (mx1.jersey.juno.com [209.67.33.54])

by m4.jersey.juno.com with SMTP id AAA56BC8WANXWDKA for <jeff-schmidt@juno.com> (sender <lugenbold@juno.com>);

Sun, 22 Aug 1999 19:46:28 -0400 (EST)

Received: from m6.boston.juno.com (m6.boston.juno.com [205.231.101.197]) by mx1.jersey.juno.com with SMTP id AAA56BC8WAJ6CKW2 for <jeff-schmidt@juno.com> (sender <lugenbold@juno.com>);

Sun, 22 Aug 1999 19:46:28 -0400 (EST)

Received: (from lugenbold@juno.com)

by m6.boston.juno.com (queuemail) id EJNQ7AHQ; Sun, 22 Aug 1999 19:46:11 EDT

Return-path: < lugenbold@juno.com>

To: jeff-schmidt@juno.com

Cc: tfeder@wam.umd.edu, jak@interport.net Date: Sun, 22 Aug 1999 19:46:11 EDT

Subject: Re: Naming names

Message-ID: <19990822.202344.4631.0.Lugenbold@juno.com> References: <19990821.120842.14367.0.jeff-schmidt@juno.com>

X-Status: Read X-Mailer: Juno 1.49

Jeef (Jean, Toni too):

I think Warren is correct, but I further recommend that you tell Benka nothing other than that, having discussed the matter further with people you trust and respect, you have decided to tell him nothing more about any performance-review-related discussions you have had with AIP employees, non-AIP journalists, or outside lawyers.

And tell him so in writing, on the chance that you can develop a Benka-incriminating paper/electron trail.

To that end, I also recommend that you consider preceding that memo with one of inquiry, asking him to tell you why he wants you to name names, and what he intends to do once he knows those names.

However, If you have no stomach for ensnaring him, then I suggest you simply request that he cease harassing you with threats, demands, gag orders, trumped-up allegations, and ad hoc declarations of confidentiality. You could also be kind and offer to send him some easy-to-understand information on such topics as freedom of speech and the right of assembly.

Paul

On Sat, 21 Aug 1999 12:06:03 EDT Jeff Schmidt <jeff-schmidt@juno.com> writes: >Hi Toni, Paul and Jean,

>Here's some stuff from and to Warren, relevant to all. Paul, do you >want to comment on Benka's request that I name names?

>Jeff

>

>

>Jeff:	
>I don't think there is any reason you should be required to disclose	
conversations you might or might not have had with other people in the	
>building. With whom you discuss your business is your business. If	
>you want to tell him you talked to me, that, too, is your business; I	
>don't really care. But as you spell it out, the demand seems high-handed.	
·	
>-As far as the review's confidentiality is concerned, I believe that it is, but	
as a restriction on the management, not on you.	
>w	
<b>&gt;</b>	
>	
>	
>Hi Warren,	
>	
> Thank you for basing your response to Benka's demand on principle, rather	
than on fear.	
>	
and the state of t	
> I am still thinking about what to tell him, but I am leaning very strongly	
toward not giving him any names, even though you and some others have given me	
permission to do so. I don't want to give the appearance of finding a	
totalitarian request acceptable.	
>	
> One thing I am thinking about doing is simply quoting people's responses	
(yours and about three others), leaving out their names and anything else that	
might identify them, and also leaving out the sentences where they give me	
permission to mention their names.	
> *	
> If Benka wants to know more, he can ask individual staff members whether or	
not I discussed my review with them. One useful response might be to simply tell	
him the truth that I said that I was trying to determine whether or not the	
review was accurate, and so we went over the review and compared it to the facts	
as we remembered them. And, of course, let him know the outcome. Another	
response might be to refuse to report on private conversations but to say that	
someone did show you the review and that you are willing to discuss its	
>accuracy. Whatever; I'm not worried; Benka doesn't present much of an	
>intellectual challenge in these or other matters.	
>	
>Jeff	
>	
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>	
>	
> Cot the Later at installer was a few and few a mail	-
>Get the Internet just the way you want it. Free software, free e-mail,	
>and free Internet access for a month! Try Juno Web:	
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Juno e-mail printed Mon, 6 Nov 2000 16:01:37, page 1

From: Jeff Schmidt <jeff-schmidt@juno.com> Received: (from jeff-schmidt@juno.com)

by m4.jersey.juno.com (queuemail) id EJPQWQT4; Mon, 23 Aug 1999 05:00:46 EDT

Return-path: jeff-schmidt@juno.com

To: jak@interport.net, lugenbold@juno.com, tfeder@wam.umd.edu

Cc: jeff-schmidt@juno.com

Date: Mon, 23 Aug 1999 05:00:46 EDT

Subject: Naming names

Message-ID: <19990823.050304.14375.0.jeff-schmidt@juno.com>

X-Status: Read X-Mailer: Juno 1.49

Dear four colleagues who saw my annual review and who Benka wants me to name,

Taking everyone's suggestions into account, my current thinking is to not give Benka any names and to not give him anything in writing. I would give him a verbal report that would include the four responses (below) to his demand. Even though I have removed your name, I won't include your response in my oral report without your approval. So please find it below and let me know if it is ok; modify it if necessary.

As one of you suggested (and as I had decided, too), I would first ask Benka why he wants the names. To him, I think, the problem isn't the out-to-get-you review; it's the fact that I disclosed it and criticized it. If he comes around asking, "Did Jeff talk to you about his performance review?", feel free to say "yes" or "I don't feel comfortable reporting on private conversations" or "I don't feel comfortable reporting on private conversations, but I am familiar with the review and can talk about that." I'd probably be better off if you didn't say who showed you the review, and if you didn't say that you saw any written response to it.

My spoken report to Benka would be something like this:

Following up on your request, I was able to track down four colleagues who saw my annual review either because I showed it to them or because someone else did. They all reacted negatively to your request for their names, so I'm afraid I don't have any names to report. The most I can do is tell you what they told me when I asked for permission to identify them. Would that be of any use to you? [At this point Benka says yes and I read the following responses.]

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I don't know what you should tell him -- just that the person/people involved felt that it would be used against them? Or more simply, they felt uncomfortable with that request?

Maybe you could say something like, "The conversations I had with (some of) my coworkers were private, and they feel it would be an invasion of their privacy

S 001394

<sup>1.</sup> Obviously I don't think you should tell Steve whom you discussed your review with. Since he is so harsh with you, it would only impugn those people by association -- why does he want that info? It seems he would use (or at least hold) it against us. So I absolutely don't want him to know I am among those people.

7	Juno e-mail printed Mon, 6 Nov 2000 16:01:37, page 2
	for me to reveal their names just because they talked with me. I'm sorry I can't reveal anyone's name."
	You could add something reassuring, if you can think of anything. Something to let him know you are not planning or inciting a rebellion among the staff
	2. I don't know what would be the best way to respond to Benka. There is fear of retribution.
	You can tell him that I'm appalled by his deviousness, that I consider you to be an extremely supportive and valuable colleague, and that the long-standing morale problem at PT (which obviously did not originate with your appeal becoming known last year) will only get worse if he doesn't improve his attitude. Management's increasingly repressive policies will inevitably have negative consequences.
*. v.	3. I recommend that you tell Benka nothing other than that, having discussed the matter with people you trust and respect, you have decided to tell him nothing more about any performance-review-related discussions you have had.
	I suggest you simply request that he cease harassing you with threats, demands, gag orders, trumped-up allegations, and ad hoc declarations of confidentiality. You could also be kind and offer to send him some easy-to-understand information on such topics as freedom of speech and the right of assembly.
	· · · · · · · · · · · · · · · · · · ·
	4. I don't think there is any reason you should be required to disclose conversations you might or might not have had with other people in the building. With whom you discuss your business is your businessthe demand seems
4	high-handed

As far as the review's confidentiality is concerned, I believe that it is, but as a restriction on the management, not on you.

Jeff

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Internet just the way you want it. Free software, free e-mail, and free Internet access for a month! Try Juno Web: http://dl.www.juno.com/dynoget/tagj.

From: Toni Feder < tfeder@wam.umd.edu>

Received: from mx2.jersey.juno.com (mx2.jersey.juno.com [209.67.34.54])

by m4.jersey.juno.com with SMTP id AAA56D8F5AHQ398J for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);

Mon, 23 Aug 1999 21:43:23 -0400 (EST)

Received: from mx2.boston.juno.com (mx2.boston.juno.com [205.231.100.52])

by mx2.jersey.juno.com with SMTP id AAA56D8F5AEVZ78J for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);

Mon. 23 Aug 1999 21:43:23 -0400 (EST)

Received: from wilson.acpub.duke.edu (wilson.acpub.duke.edu [152.3.233.69])

by mx2.boston.juno.com with SMTP id AAA56D8F4A5JXAU2

(sender <tfeder@wam.umd.edu>);

Mon, 23 Aug 1999 21:43:22 -0400 (EST)

Received: from wam.umd.edu (async249-13.async.duke.edu [152.3.249.13])

by wilson.acpub.duke.edu (8.8.5/Duke-4.6.0) with ESMTP id VAA01658;

Mon, 23 Aug 1999 21:43:16 -0400 (EDT)

Return-path: <tfeder@wam.umd.edu> Reply-To: tfeder@wam.umd.edu

To: Jeff Schmidt < jeff-schmidt@juno.com>Co: jak@interport.net, lugenbold@juno.com
Date: Mon, 23 Aug 1999 21:47:11 -0400

Subject: Re: Naming names

Message-ID: <37C1F95A.E7D97018@wam.umd.edu>

References: <19990823.050304.14375.0.jeff-schmidt@juno.com>

X-Status: Replied

X-Mailer: Mozilla 4.04 (Macintosh; I; PPC)

\*\*\*\*\*\* Please do not quote from the new content of this note. Some are embedded in your text. \*\*\*\*\*\*

Hi Jeff.

I would feel more comfortable - and think it would be a better strategy - if you would summarize what your colleagues' reactions were to the request that you identify them, rather than read (as you say you would do after he says "yes" he'd like to know their reasons), or even repeat to him modified-verbatim what we each said. Reading identity-edited-out comments is theatrical. I think his request should be played down, not up, and nipped in the bud. I would prefer that (if anything at all) you say each idea once, in your own words, rather than in ours. For example, there is considerable overlap, in particular in the comments by me, Warren and Paul, so I suggest summing these up. Giving him three versions is an invitation for him to continue playing this stupid game of trying to identify your colleagues. In my view, the point to make is simple: it's none of his business. Jean made some different comments, and those may be worth including in whatever you say. (It would be fine with me if you noted that more than one colleague commented that they think of you as a very valuable colleague, and value your contributions to the magazine.) But I prefer the simpler, less theatrical tack of paraphrasing and summing up, rather than "handing him our words."

In that vein, my preference would be that you still ask him (if you want to) why he wants to identify the colleagues who know about your review, and then say (something like) they (and I) all feel that it's not appropriate to have to report on private conversations. One person noted that confidentiality is a restriction on management, not on employees.

end of investigation, let's hope.

—- Toni

Subject: Naming names Date: Mon, 23 Aug 1999 05:00:46 EDT From: Jeff Schmidt <jeff-schmidt@juno.com> To: jak@interport.net, lugenbold@juno.com, tfeder@wam.umd.edu CC: jeff-schmidt@juno.com

Dear four colleagues who saw my annual review and who Benka wants me to name,

Taking everyone's suggestions into account, my current thinking is to not give Benka any names and to not give him anything in writing. I would give him a verbal report that would include the four responses (below) to his demand. Even though I have removed your name, I won't include your response in my oral report without your approval. So please find it below and let me know if it is ok; modify it if necessary.

As one of you suggested (and as I had decided, too), I would first ask Benka why he wants the names. To him, I think, the problem isn't the out-to-get-you review; it's the fact that I disclosed it and criticized it. [JEFF: SO WHAT DO YOU THINK HIS MOTIVE IS, IF NOT TO SOMEHOW HOLD IT AGAINST YOUR COLLEAGUE-CONFIDANTS?] If he comes around asking, "Did Jeff talk to you about his performance review?", feel free to say "yes" or "I don't feel comfortable reporting on private conversations" or "I don't feel comfortable reporting on private conversations, but I am familiar with the review and can talk about that." I'd probably be better off if you didn't say who showed you the review, and if you didn't say that you saw any written response to it. [IF HE ASKS ME, I PLAN TO SAY I THINK IT'S NONE OF HIS BUSINESS. BUT I DON'T SEE ANYWAY OF HOLDING THAT PARTICULAR DISCUSSION, AND I HOPE HE DOESN'T ASK]

My spoken report to Benka would be something like this:

Following up on your request, I was able to track down four colleagues who saw my annual review either because I showed it to them or because someone else did. They all reacted negatively to your request for their names, so I'm afraid I don't have any names to report. The most I can do is tell you what they told me when I asked for permission to identify them. Would that be of any use to you? [At this point Benka says yes and I read the following responses.]

[AS I WROTE ABOVE, I PREFER YOU PARAPHRASE, RATHER THAN READ MY RESPONSE]

1. Obviously I don't think you should tell Steve whom you discussed your review with. Since he is so harsh with you, it would only impugn those people by association — why does he want that info? It seems he would use (or at least hold) it against us. So I absolutely don't want him to know I am among those people.

I don't know what you should tell him -- just that the person/people involved felt that it would be used against them? Or more simply, they felt uncomfortable with that request?

Maybe you could say something like, "The conversations I had with (some of) my coworkers were private, and they feel it would be an invasion of their privacy

Juno e-mail printed Mon, 6 Nov 2000 16:08:39, page 3
for me to reveal their names just because they talked with me. I'm sorry I can't reveal anyone's name."
You could add something reassuring, if you can think of anything. Something to let him know you are not planning or inciting a rebellion among the staff
2. I don't know what would be the best way to respond to Benka. There is fear of retribution.
You can tell him that I'm appalled by his deviousness, that I consider you to be an extremely supportive and valuable colleague, and that the long-standing morale problem at PT (which obviously did not originate with your appeal becoming known last year) will only get worse if he doesn't improve his attitude. Management's increasingly repressive policies will inevitably have negative consequences.
3. I recommend that you tell Benka nothing other than that, having discussed the matter with people you trust and respect, you have decided to tell him nothing more about any performance-review-related discussions you have had.
I suggest you simply request that he cease harassing you with threats, demands, gag orders, trumped-up allegations, and ad hoc declarations of confidentiality. You could also be kind and offer to send him some easy-to-understand information on such topics as freedom of speech and the right of assembly.
4. I don't think there is any reason you should be required to disclose conversations you might or might not have had with other people in the building. With whom you discuss your business is your businessthe demand seems high-handed.
[I DO THINK IT'S A GOOD IDEA TO MENTION THE FOLLOWING COMMENT BY WARREN] As far as the review's confidentiality is concerned, I believe that it is, but as a restriction on the management, not on you.
Jeff
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Juno e-mail printed Mon, 6 Nov 2000 16:13:12, page 1

From: Toni Feder < tfeder@wam.umd.edu>

Received: from mx2.jersey.juno.com (mx2.jersey.juno.com [209.67.34.54])

by m4.jersey.juno.com with SMTP id AAA56EBYDAWVD5QS for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);

Mon, 23 Aug 1999 22:43:15 -0400 (EST)

Received: from mx5.boston.juno.com (mx5.boston.juno.com [205.231.100.53]) by mx2.jersey.juno.com with SMTP id AAA56EBYDAUBEXCJ

for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);

Mon, 23 Aug 1999 22:43:15 -0400 (EST)

Received: from wilson.acpub.duke.edu (wilson.acpub.duke.edu [152.3.233.69])

by mx5.boston.juno.com with SMTP id AAA56EBYDAMGG9P2

(sender <tfeder@wam.umd.edu>);

Mon, 23 Aug 1999 22:43:15 -0400 (EST)

Received: from wam.umd.edu (async249-8.async.duke.edu [152.3.249.8])

by wilson.acpub.duke.edu (8.8.5/Duke-4.6.0) with ESMTP id WAA02639;

Mon, 23 Aug 1999 22:43:11 -0400 (EDT)

Return-path: <tfeder@wam.umd.edu> Reply-To: tfeder@wam.umd.edu

To: Jeff Schmidt <jeff-schmidt@juno.com> Cc: lugenbold@juno.com, jak@interport.net Date: Mon, 23 Aug 1999 22:47:12 -0400

Subject: Re: Naming names

Message-ID: <37C20767.2DBF0F6A@wam.umd.edu>

References: <19990823.050304.14375.0.jeff-schmidt@juno.com>

X-Status: Read

X-Mailer: Mozilla 4.04 (Macintosh; I; PPC)

hi again, jeff,

this is an addendum to my previous e-mail. i'm glad you will summarize rather than read our comments. the reason for writing now is just to offer support-because from your note i realize that you worry he would try to collect data about you from us (i.e. use our names against your, unsuccessfully, i'd bet), whereas i'm thinking he'd use the information to penalize us. irony. well, let's not let him use any of it against any of us.

toni

30 August 1999-

Steve --

Here are the notes that you requested. They outline the responses that I got when I asked colleagues who saw my annual review for permission to fulfill your request that I report their names to you. As you know, I did not want to give you this written report, but you insisted that I do so. I can only hope that you will use it to address staff concerns and not "kill the messenger."

Four themes were apparent in the responses from my coworkers.

- 1. They consider me to be a supportive and valuable colleague, and they want you to behave in accord with that view. They note that the long-standing staff morale problems did not originate with my review appeal.
- 2. Their anxiety was exacerbated by the fact that you were not open about your reasons for wanting their names. (Later, when I asked you specifically why you wanted their names, you refused to answer.) Thus the only thing they imagined coming from your investigation was punishment, of me or of them. They think they would be subject to guilt by association, because you have been so harsh with me.
- 3. They feel that their conversations were private and that to reveal them would be an invasion of their privacy. They made reference to the First Amendment, the spirit of which they evidently carry with them.
- 4. They agree with you that annual reviews are confidential, but they see that as a restriction on management, not on them. Thus they feel free to discuss their reviews, and many do. They think it would set a bad precedent if any of us were punished for that.

Please let me know if I can be of further assistance.

Jeff

Subj: Fwd: American Institute of Physics case Date: 7/15/2002 3:11:17 PM Eastern Daylight Time

From: w.sweet@ieee.org (William Sweet)

To: jschmidt222@aol.com

Dear Jeff,

I'd say the Commission both misrepresented and underrepresented. I said nothing about my job not being 9-5; all I said was that once one completed one's well-defined responsibilities, one was free to do work of one's own on office time. And I certainly took the commitments made to me by Davis and Braun as general policy, not concessions made to me personally.

Hope that helps,

Bill

Date: Thu, 9 May 2002 12:20:22 -0400

To: avhawkins@co.pg.md.us

From: William Sweet <w.sweet@ieee.org>
Subject: American Institute of Physics case

Dear Mr. Hawkins,

Thank you for calling Tuesday and giving me the opportunity to help with your investigation, which I consider to be very important. I am writing to follow up with some more detail, which I hope you will find useful.

I have been a journalist (writer and editor) for 25 years. My first jobs were with a financial newsletter in Manhattan and then with Congressional Quarterly in Washington, D.C. At Physics Today, I was an associate editor, like Schmidt, from 1984 to 1993. I am currently Senior News Editor at IEEE Spectrum magazine, in New York.

Upon being hired at Physics Today, I asked the Editor in Chief, Harold Davis, whether I could pursue freelance writing projects during my employment. He said that would be fine as long as I did not imply that what I wrote was endorsed by Physics Today or the American Institute of Physics. I also confirmed with Human Resources that I would have unlimited long-distance telephone privileges. At the time, Theresa Braun was the director of Human Resources.

Physics Today had an exact way of defining peoples' jobs. If you did your job, then you were left alone. Writers were expected to write four pages per month, or one page per week. In theory, if I wrote four pages in one week, I could then do whatever I wanted for the remainder of the month.

While at Physics Today, I worked on a number of different freelance projects while at work, including regular articles for The Bulletin of the Atomic Scientists, which many of my colleagues saw. I worked on these projects openly, often discussing them with coworkers and using my office computer and the magazine's library for research.

One of my freelance projects was a controversial article that was published in MIT's Technology Review, in which I suggested that the Chernobyl nuclear power plant accident involved a nuclear explosion. When it was published, a number of articles were written in response, and I received a fair amount of publicity. Soon after, AIP's clipping service collected many newspaper articles commenting on my Chernobyl piece. I know this because a senior editor at Physics Today, Barbara Levi, called me into her office, handed me the large stack of clippings, and said, "This is what happens when you use the term nuclear explosion." Many of the articles in the stack identified me as an editor at Physics Today. One of the articles, distributed by the Associated Press for publication in newspapers across the country, reported that I gave an interview on the subject from my office at Physics Today. (The 9 June 1989 article identified me as "William Sweet, a reporter for Physics Today, published by the American Institute of Physics." It went on to say, "In an interview Friday from his New York office, Sweet explained that a Chernobyl-type accident is unlikely in the United States...") I was never warned, reprimanded or disciplined in any way, and I was never told to refrain from writing controversial pieces. I continued my freelance work throughout my years at Physics Today.

In my experience, using office time for freelancing (and using an employer's resources) is ubiquitous in journalism. Book writing by journalists is common, and would be impossible to do completely outside of business hours. Employers benefit by maintaining a writer-friendly environment. For example, freelance work can increase a staff writer's stature and lead to valuable spin-off projects for the employer. Indeed, my Chernobyl article led to a tip that resulted in my writing a major investigative piece on a closely related subject, which Physics Today published.

I hope this information is useful in your investigation. Please let me know if I can be of further assistance.

Sincerely,

S 001402

Subj: Physics Today dismissal

Date: 5/15/2002 -7:57:17 PM Eastern Daylight Time

From: cmohr@tndc.org (Chris Mohr)

To: avhawkins@co.pg.md.us ('avhawkins@co.pg.md.us')

Dear Mr. Hawkins,

I was happy to hear from a fellow former Physics Today employee that you are looking into Jeff Schmidt's firing. I was a coworker of Jeff's during the time that he was writing his book, and I think you might be interested in my own experience in devoting some office time to freelance writing. The bottom line is that I find it difficult to believe that the real reason for Jeff's dismissal is that he didn't spend 100 percent of his time in the office on Physics Today work.

I was a member of the editorial staff at Physics Today in New York from early 1991 through late 1993. I am now a director at the Tenderloin Neighborhood Development Corporation in San Francisco, California, where I have worked since 1995.

At Physics Today, my immediate supervisors were Barbara Levi, Gloria Lubkin and Kenneth McNaughton. Theresa Braun was the Director of Human Resources.

I was responsible for editing the "We Hear That" department of the magazine, which consisted mainly of articles about awards and obituaries. Usually, I edited about 5 to 10 obituaries and wrote 1 to 3 awards articles per month. I also edited the calendar section of the magazine and copyedited 1 to 2 feature articles per month.

While at Physics Today, I wrote some articles for small magazines, notably Lies of Our Times (now defunct). That magazine published one long piece detailing scientists' participation in the Gulf War ("The Gulf War and the Technologists," March 1992), as well as several shorter items. I spent upwards of 20 hours working on the long article, of which at least 15 hours were spent at work. (On the other pieces that I wrote while at Physics Today, I would generally write about 80 percent of the article at work and rest at home.) I did all the writing on my computer at work and read all the source material while at work, because the article was based on scientific magazines and publications received by Physics Today. I did this openly and spoke with coworkers about the article. No one ever said anything about my working on this piece.

It was my understanding that AIP, as an institution, encouraged the practice of its employees doing outside writing. Employees of the Institute's history division, for example, published books that were understood to have been written on company time. To my knowledge the Institute never had a policy against its employees pursuing and publishing writing outside the Institute, and doing such work on company time. In general, if I completed my responsibilities in a timely way, I was not given additional work to fill my time.

I hope this information helps in your investigation. I would be happy to address any questions you may have, and so please feel free to contact me. Jeff's firing is a real injustice and would set a bad precedent if left unchallenged. I hope you will take action to reverse it.

Sincerely,

Christopher Mohr San Francisco, CA cmohr@tndc.org